

AN ANALYSIS OF LEGAL PROVISIONS  
IN GOVERNANCE OF POSTSECONDARY EDUCATION  
IN FOURTEEN SOUTHERN STATES  
1970-1979

BY

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by

Suzanne Looney Richter

This study is dedicated to:

Mary Sue Thompson Looney, my mother, and the memory of William Curtis Looney, my father, parents whose first baby was a girl child and who raised her with love and support.

Winston Boos Richter, Jr., my husband, a man of high principles and strong integrity, who will always be my best friend.

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Abstract of Dissertation Presented to the Graduate Council  
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By

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The purpose of this study was to describe the legislative activity in the 14 southern states joined in the Southern Regional Education Board with emphasis on issues related to the statewide governance and organization of public postsecondary education. Specifically, the study was designed to analyze these descriptions in order to identify trends that would suggest future directions for statewide governance and organization as education responded to the issues of the 80s.

The research questions for the study were these:

1. Are the statewide systems viable for planning postsecondary education?
2. Can any regional activities be identified for planning and coordination of postsecondary education?

3. Is there a trend toward "super" boards?
4. What is the emerging legislative role in the governance of postsecondary education?
5. Are there perceptible relationships between educational issues and types of statewide governance?
6. What is the effect on the statewide system of the effort to integrate public postsecondary education?

From this study, the following conclusions were synthesized:

1. In the 14 states included in this study, effective statewide planning was hampered because of lack of authority to implement the plan, lack of a constituency including all segments of public postsecondary education, and lack of the appropriate inclusion of private colleges in the planning process. Planning by a statewide system can be viable if the agency charged with the planning is empowered to implement plans and if the entire postsecondary constituency is involved in the planning process.
2. Regional activities for planning and coordination of education were identified in each of the 14 states. These arrangements will continue and thrive as education in the 80s stresses educational opportunity in a period of economic deprivation.
3. The trend was not to superboards; it was, instead, to the concept of coordination with enforcement, even if different models were chosen by states.

4. State legislatures were willing to divest themselves of some power and shift it to a strengthened agency for the sake of creating a process, especially in planning, budgeting, and reviewing programs.
5. There was no perceptible relationship between educational issues and types of statewide governance. In all states, governance was a basic issue.
6. If the Health, Education, and Welfare guidelines are not enforced by the states and vestiges of dual systems of postsecondary education eliminated, then systemwide action will be necessary rather than the limited accommodations of the 70s.

## CHAPTER I

### INTRODUCTION

Philosophically, public higher education in the United States evolved in an atmosphere of freedom--freedom more for the institution than the students. Colleges and universities operated primarily with institutional autonomy; such autonomy was encouraged by the tradition of lay boards, which governed under a broad charter of commitment to public higher education.

Higher education for much of its history was not synonymous with big business; it was parochial. Ben Morton (1970) wrote:

In most states, higher education was not a major consumer of state resources. Relatively few citizens were directly affected, since only a small proportion of students went on to college anywhere, and not many of these attended publicly supported institutions in these states (p. 296).

By 1940, 14 states had single governing boards, and these boards were quite different in scope and intent from those popular in the 1970s. According to Abbott (1977), these 14

were devoted to the operation and well-being of the institutions governed, so they saw themselves as college and university governing boards rather than as agencies of state government. Even in New York State, where the Regents of the University of the State of New York had a broader mandate and a potentially more significant role in planning for education beyond high school for many decades, the state board proved more adept at cultivating existing institutions than in addressing the emerging needs of the citizenry (p. 8).

In 1941, Oklahoma established the first coordinating board for higher education. The constitution was amended to create a statewide system of higher education composed of institutional boards and one new board "with specific and significant powers of planning and coordinating all postsecondary activities of statewide, or at least of institutional, concern" (Abbott, 1974, p. 8).

By 1954, little change had occurred. Thirteen states had single statewide governing boards, 31 states had no agency, and four states had coordinating boards. By 1960, coordinating boards had increased to nine (Van Dyne, 1974, p. 9).

Since 1960, centralization, in general, has increased and coordinating boards have proliferated. By 1974, 27 states had coordinating boards, 20 states had single governing boards, and only three, Delaware, Nebraska, and Vermont, had no statewide agency (Potter, 1977, p. 18). Of the 14 southern states, nine had coordinating agencies and five single governing boards. The trend at mid-decade appeared for states to create organizations that would be impartial, professional buffers for higher education.

Two examples illustrate the widely differing impact and power wielded by agencies of statewide governance and coordination across the country.

Van Dyne, in a 1974 review of governance, compared coordination in California and New Jersey. In 1960, California had established a Coordinating Council for Higher Education as part of its master plan. In 1973, this Council was

abandoned because it "historically never played a very significant role in key decision making" (Van Dyne, 1974, p. 10). The legislature then recommended creating a new Coordinating and Planning Agency and Postsecondary Education Commission to replace the Coordinating Council for Higher Education. This proposed Commission would be composed primarily of public representatives as well as others from all types of postsecondary institutions. The original California Council had never become skillful in walking the tightrope between the institutions and the state political leadership. Because the membership was weighted on the side of the institutions, it never proved its neutrality to the politicians. Consequently, the Council almost phased itself out prior to the legislature's official decision because it was never involved in a real leadership-decision-making role. Legislation for the planning commission to "implement a more process-oriented and comprehensive approach to postsecondary education planning" passed both houses during the 1973 session and officially became a reality on April 1, 1975 (Vasconcellos & Callan, 1974, p. 3).

New Jersey, on the other hand, created a board that had become, by the mid-1970s, its prime mover in education. According to Van Dyne, it utilized its licensing and program approval powers "to protect consumers against marginal colleges, set higher standards for tenure in state colleges, created a new open university and developed its own programs for veterans and the Spanish-speaking population" (1974, p. 10).



Generalizing about the success or failure of boards in various states is almost impossible, as Van Dyne (1974) contended, because

their influence on higher education policy depends on so many factors and may shift substantially over time. Their statutory powers, the political skill of their executive directors, the prestige of their board members, the size and quality of their staffs, their history and traditions, their credibility, the particular issues involved--all these may enter the equation that determines a coordinating board's power. Some are quite influential, but others have little real power when set off against the institutional lobbyists, legislative committees, and governors and their budget officers (p. 10).

In effect, the board or commission must act or react as part of the total system of higher education, not as an isolated element setting its own parameters. It must adjust itself, its processes and products, as the environment changes, responding to feedback from the institutions, the public, the legislators, and the governors. It must function as a part of the whole, not as a separate whole.

As Morton (1970) summarized:

In a practical sense, coordinators are middlemen between institutions of higher education and the public, particularly elected representatives with decision-making power at the state level. To oversimplify extremes, the institutions either expect coordinators to play the role of advocates for higher education as a professional establishment, or they fear them as unsympathetic watchdogs for the legislatures. The legislators expect coordinators to be watchdogs or they regard them merely as additional proponents for a special interest group. Where the coordinating agency has become generally identified with either functions to the exclusion of the other, its usefulness has been seriously diminished (p. 297).

## The Problem

### Statement of the Problem

The problem of this study was two-fold:

1. to analyze by descriptive occurrences on a year-to-year basis the legislative activity in the 14 southern states joined in the Southern Regional Education Board with emphasis on issues related to the statewide governance and organization of postsecondary education.
2. to analyze these descriptions to identify trends that suggest future directions for statewide governance and organization as education responds to the issues of the 1980s.

### Research Questions

1. Are the statewide systems viable for planning postsecondary education?
2. Can any regional activities be identified for planning and coordination of postsecondary education?
3. Is there a trend toward "super" boards?
4. What is the emerging legislative role in the governance of postsecondary education?
5. Are there perceptible relationships between educational issues and types of statewide governance?
6. What is the effect on the statewide system of the effort to integrate public postsecondary education?

Delimitations

1. The 14 states belonging to the Southern Regional Education Board were selected for the study because of the interest of the Board in regional planning and legislative research and because these states have commonality, in this case geography, as well as diversity, since in 1970 ten had statewide coordinating boards for all or part of higher education.
2. The decade of the 70s (1971-1979) was selected because it overlapped the 60s and foreshadowed the 80s. The residue of the 1960s affected the early 70s; by the mid-70s, the recession and inflation indicated what might occur in the 80s.
3. The purpose of the study was to analyze only legislative action that related directly to issues of statewide governance of postsecondary education; it was not the purpose to differentiate among legislation affecting different levels of postsecondary education.
4. The study also discussed court cases and rulings pertinent to governance, especially cases related to state maintenance of primarily Black institutions and aid to private institutions of higher education.

### Limitations

Data, such as reports of bills being introduced, passed, or defeated, were difficult to quantify.

### Justification for the Study

Educational decisions for the 80s, at the day-to-day institutional level and the year-to-year state planning level, will become increasingly difficult. Such decisions of necessity will be hammered out in a milieu of competition for dollars among all those agencies that assume some right to taxpayers' money. Education no longer receives priority when so many other hands are held out for a share of the same funds. And with inflation, those dollars, when meted out, equal even less in real income.

Not only must education compete with other state services, but competition will escalate among various levels of education and among institutions at the same level. This competition is for the consumer--the student--and for the funds to attract that student, to market the institution, to prove one institution's superiority over others, to entice the student who is attending a local university, with little in its favor but economy and ease, to move from home, undergo additional expense, and enroll in another school 1000 miles away.

Competition also exists among institutions for programs. Who in the next decade will decide to abolish a program when perhaps more dollars spent wisely would result in recruiting

enough students to resurrect the program? Who will decide if the state should allocate money to expand and upgrade the one medical complex in a state rather than build another in a section of the state that believes it has been slighted and its population inadequately served?

The watchwords for education in the 80s are retrenchment, quality, and basics. How will educational institutions manage to survive and thrive under these situations?

Educators and state government officials who met in June of 1980 at the annual meeting of the Southern Regional Education Board concluded that declining enrollments and competition for students and availability of money will force state governments to make crucial educational decisions over the next two decades. After two days, however, a consensus was not achieved on whether legislators, college administrators, or statewide commissions should play the primary role in policy determination.

Middleton reported:

Some argued that the statewide agencies should be given more control over the budgets and programs of institutions. Other maintained that such control undermines the roles of administrators and governing boards and that decisions affecting a college's future should be based on the demands of the "student market."

Another argument held that elected state officials who must make the ultimate "political" decisions for colleges and universities, should become more involved in overseeing their activities (1980c, p. 7).

Perhaps one of the best illustrations for the need of this study at this time was the situation in Florida over the

past three years. The example of Florida has proven that a system of statewide governance, regardless of the system, is frequently in a condition of flux, is subject to attacks from all sides, and is often the "whipping boy" for education. In effect, a state simply cannot prove that its model, its system, is the best, or the only, or even the most preferred.

The example of Florida also illustrates the interrelated problems of higher education and the state: shifts in balances of power within a state and among units in the state, decisions that result less from planning than vote swapping, and an unwillingness to adapt, to change, in order to respond to necessary diversity. Florida offers a microcosm of the trends, and perhaps some of the resolutions, of the next decade.

In the Florida Constitution of 1968 was granted to the legislature the authority to regulate and prescribe the powers and duties of the higher education governing body without constitutional limitations. The governing body of the state university system was the Board of Regents; its role was as a policy board, a board to supervise the university system.

Beckham (1978), in describing the State University System of Florida, maintained that the legislature is "constitutionally empowered to exercise potentially unlimited control over the university system" and "the legislature may transfer this power of control to other state administrative bodies with broad constitutional limits" (p. 543). Therefore, the Board of Regents, with only statutory status, can be overruled by other agencies with proper authorization by the legislature.

In addition to the responsibilities and powers of the legislature and the Board of Regents, the State Board of Education, a constitutional body composed of the governor and all members of the elected cabinet, has the authority to approve rules and regulations adopted by the Board of Regents. The State Board of Education cannot initiate rules but it can repeal them after they are in operation (Beckham, 1978, p. 555).

In 1978, Florida's Constitutional Revision Commission proposed a constitutional amendment in an effort to clarify the muddled lines of authority and responsibility in statewide governance of higher education by strengthening the Board of Regents. The proposed Article IX, 7 (b) stated:

The board of regents shall operate, regulate, control, and be fully responsible for the management of the state university system, subject to the overall coordinative responsibilities of the state board of education and subject to federal law, except on matters relating to the educational policy of the state university system.

Although arguments abounded as to what exactly would be the effect of this amendment on the Constitution, according to Beckham (1978), "the commission's proposed amendment appears to vest the board of regents with full power of management over exclusively university system affairs" (p. 556). If the amendment had passed, the State Board of Education would have become advisory to the Board of Regents. With a strong anti-amendment campaign led by Commissioner of Education (and member of the State Board of Education) Ralph Turlington, the amendment was defeated; the governance situation in Florida remained static until the 1979 session of the legislature.

In the June 1st, 1979, Journal of the House of Representatives was published House Bill 1689 or the Postsecondary Education Act of 1979. Section 4 of Part 1 established a Joint Commission on Postsecondary Education composed of five members from the House, five members from the Senate, and 12 members appointed by the Governor, with the Commissioner of Education serving as ex-officio member.

The overall objective of the Commission was the improvement of the quality and efficiency of postsecondary education in Florida. Four of the first five areas of study assigned to the Commission were governance, organization, program review and program approval, and coordination of programs and institutions (Florida House of Representatives, pp. 1062-63).

Among the questions proposed by William Reece Smith, Jr., Chairman of the Commission, in an attachment to a letter addressed to E. T. York, Chancellor of the State University System were these:

How does a state define its needs for postsecondary education programs? What indicators of need are appropriate? How can we project future needs? By what standards can we prioritize needs? Are current procedures for defining needs and planning and implementing programs to meet defined needs adequate?

What, if any, restrictions should be placed on admission to postsecondary education programs? Are these any areas of access (geographic, programmatic,



demographic, etc.) in which the State is currently deficient? How does the State balance demands for increased access versus demands for holding the line on State spending?

Is the current governance structure for postsecondary education in Florida performing adequately? What are its strengths and weaknesses? How can it be improved? Is there adequate statewide planning for postsecondary education programs? Is there adequate program coordination between the public and private sectors? Within the public sector? What is the relationship of governing and coordinating mechanism to educational quality? (p. 1).

The Report and Recommendations of the Joint Legislative and Executive Commission on Postsecondary Education (March 1, 1980) offered recommendations on improving both the planning process and the governance structure in Florida. Related to planning, the Commission recommended that "the state begin immediate development and implementation of a statewide master plan for postsecondary education" (p. 5). In the Report and Recommendations was then described the requirements of such a plan:

The plan should specify goals and objectives for the public universities, community colleges and vocational technical centers. It should also consider the role of the independent institutions within the state. The primary emphasis should be the promotion of quality. In addition to fundamental educational goals, attention should also be given to programmatic access, needs for remedial education, regional and state economic development, demographic patterns, student demand for programs, needs of particular subgroups of the population, implementation of innovative educational techniques and technology and the requirements of the labor market. The plan should be reviewed for modification at least every five years (pp. 5-6).

In governance, the Commission recommended structural modification because according to the report:

There are serious concerns about the effectiveness of the governance structure at the state level, particularly with regard to the development of statewide policy and coordination of the various sectors of postsecondary education (Report and Recommendations, 1980, p. 7).

Basically, the recommendation was for the establishment of the lay coordinating board to be titled the Postsecondary Coordinating Council. This new council would have these duties:

1. Develop and adopt by rule a comprehensive master plan for postsecondary education.
2. Review and finally approve all proposals for new public postsecondary programs.
3. Review and terminate programs within public postsecondary education.
4. Review and make recommendations to the Governor and the Legislature concerning all budget requests for postsecondary programs. These recommendations should be presented to the Governor and the Legislature no later than 15 days prior to the submission of the Executive Budget to the Legislature by the Governor (Report and Recommendations, 1980, p. 8).

Proposed membership would be the Commissioner of Education plus 10 lay persons appointed by the governor with confirmation from the Senate for four-year terms. The Board of Regents would remain as the governing authority for the State University System.

Fueled by the report from the Joint Commission, the subject of higher education reorganization became a pivotal issue for the 1980 legislature. Proposals from the House recommended eliminating the Board of Regents and the Community College Coordinating Board and creating local boards for the state universities. The Senate, on the other hand, recommended

strengthening the State Board of Education and maintaining the Board of Regents and the Community College Board (FACCurrent, 1980, p. 1).

The 1980 Postsecondary Education Act, a compromise bill, included the following reorganization measures:

1. The Board of Education would be the coordinating and planning agency for postsecondary education.
2. The Florida Postsecondary Education Coordinating Commission would be created to advise the State Board.
3. Separate boards of trustees would be established for each of the nine state universities.
4. Freshmen and sophomore programs would be added to three upper division state universities.
5. The University of North Florida at Jacksonville and the University of Florida would be merged.

Critics of the bill were vociferous. Bedell, Interim Chancellor of the State University System, objected to "the creation of multiple layers of governing boards and coordinating boards" (Middleton, 1980b, p. 4). Bedell believed these additional boards "would perceptibly alter the total higher-education environment and make it more difficult and cumbersome for the regents and presidents to exercise their authority" (Middleton, 1980b, p. 4). Creech, President of Florida Atlantic University, was quoted as saying in a letter to the governor that this attempt represented "the deepest penetration of politics into higher education that I have ever seen" (Middleton, 1980b, p. 4).

Marshall, a former president of Florida State University, criticized the proposed reorganization bill because of the

provision for establishing new lower divisions. He wrote of both the lack of educational merit and the political process:

At the heart of the matter is the simple fact that Florida does not need and cannot afford nine full-fledged, four-year universities. And it is precisely that--a full-fledged, football-playing, doctoral-degree-granting university--that some legislators seem to want in every region of the state (1980, p. 3-E).

Marshall, while predicting that the bill would be vetoed, defended the community college system and the upper-division university, the educational concepts on which Florida's system had been based:

But Florida's unique system of postsecondary education has been built on the concept of community colleges to serve most of our young people during the first two years of college, and upper-division universities for the junior and senior years.

This system has been the Florida equivalent, roughly, of the two-level state college and university systems found elsewhere, and it has worked well. We are able to keep the cost of public higher education much lower than it would be if the majority of our students went directly to a university following high-school graduation (1980, p. 3-E).

Governor Graham did, in fact, veto the bill because such reorganization would have put too much power in the hands of the state legislature (Middleton, 1980a, p. 2). In his veto message, the governor contended that the bill would interfere with the Board of Regents and confuse the issues as to responsibility for educational needs assessment. Governor Graham wrote: "I reject the proposition that a lack of decisive leadership by the regents should be cured by substitution of legislative process as a device for making educational policy" (Middleton, 1980a, p. 2). The

governor after vetoing the 1980 Postsecondary Education Act then returned full circle by reactivating the state's postsecondary education commission and assigning it the task of developing a higher education master plan.

Florida has not been the only state in transition concerning its statewide system of governance. Abbott (1977) reported, "Around the nation the state higher education agency pot boils" (p. 9). Between 1970 and 1976, 23 states had by legislative action modified their governing or coordinating boards. The legislatures in 22 of those 23 states strengthened the authority of the state with governing boards replacing coordinating boards in three areas. According to Abbott (1977), in 1976 alone, Colorado, Massachusetts, Connecticut, Alabama, Missouri, Nebraska, and Minnesota "considered substantive changes in the structures and operation of their state coordinating agencies of higher education (p. 9).

Martorana and McGuire (1976), from their 1973-75 review of legislation related to the community and junior college, found that 15 states reported a total of 35 pieces of legislation affecting statewide coordination of postsecondary education (p. 23). Martorana and McGuire (1976a) wrote:

During the early decades of the present century, concern for the coordination of postsecondary education became an interest of the states. Through the 1960s, coordination was synonymous with controlled growth of resources. Institutional growth had to be contained within limits of 1) the budget; 2) rationality; 3) standards of quality. During the current decade, however, coordination interest has shifted somewhat to concern for continued expansion of postsecondary education opportunities but without

expanding resources at an equal rate. Thus, state legislative and administrative bodies are searching for means to the effective and efficient use of existing resources (p. 23).

Martorana and McGuire (1976b) in an article in Community and Junior College Journal listed conclusions based on their analysis of reported legislation. Of importance to this study was their comment that the "issue of how best to balance the state level and local level control to achieve a statewide system of postsecondary education is not yet effectively resolved" (p. 17). Other secondary conclusions from the Martorana and McGuire report indicating the need for continuing legislative research and analysis included:

1. Statewide coordination, state administration of postsecondary education, and institutional administration are the most common actions.
2. Legislatures are selectively working in both directions on the coordination versus competition continuum.
3. Efficiency and management accountability are not primary concerns of many legislative actions.
4. Legislatures are not attempting to set academic policy (p. 17).

The searching continued; the questions on systems or statewide governance remained the same while the answers were varied, yet familiar. Millett argued "that since the best interests of a particular state school may or may not coincide with the best interest of the state government, coordination is critical and will grow: (Martorana and McGuire, 1976a, p. 76). Newman, on the other hand, in 1973 wrote this:

Most of higher education needs little or no coordination at all . . . . The net effect is that legislatures while committed to statewide coordination are striving to maintain at least a degree of the institutional competition element in the postsecondary arena (Martorana and McGuire, 1976a, pp. 79-80).

At the 1980 annual meeting of the Southern Regional Education Board, three guests, all experienced in the field of statewide systems of governance but from different perspectives, led the debate on the question: "Who Should Set State Policy in an Era of Retrenchment?" Weathersby, Commissioner for Higher Education in Indiana, contended that higher education policies should be made in a decentralized governance system rather than by a central government agency. He said, "The alacrity with which governments avoid politically difficult decisions, such as school closings, leaves me little hope for effective state governance of higher education in the future" (Middleton, 1980c, p. 7).

Geiogue, an educational analyst for the California legislature, espoused the position that only strong statewide coordinating or governing boards could stop short-term competition, confusion, and inefficiency, and prevent increased control by governors and state legislatures. Geiogue said, "The interests of statewide agencies are broader than parochial institutional interests and sensitive enough to institutional uniqueness to prevent leveling" (Middleton, 1980c, p.7).

Kerr, the Director of the Carnegie Council on Policy in Higher Education, maintained that the problems of the 80s will have to be resolved by the individual institutions. Kerr

recommended that in a period of retrenchment, "higher education policies should be influenced more by the student market than by a statewide plan" (Middleton, 1980c, p. 7).

In summary, the problems enumerated as inherent in the 80s, illustrated by the example of Florida, and the overall lack of resolution in the implementation of statewide systems of governance in postsecondary education established the need for a study to identify what had occurred during the last decade in states of similar demographic and geographic conditions. The knowledge of situations in one state could prevent legislators or educators in others states from agreeing to incorrect decisions or implementing inept plans. States, just as people, have neighbors from whom to learn. Often the solution to a problem can be the same in different states because the problems are similar; repeating a mistake does not solve it. Professionals in one state can profit by knowing how a similar problem had been handled in an adjacent state. This study provided pertinent information for such problem-solving in the area of statewide systems of postsecondary education.

#### Definition of Terms

1. Public institutions of higher learning--community and junior colleges, four-year state colleges, and state universities that comprise a state's postsecondary system of higher education.
2. Governing board--a single board assigned coordinating and planning functions as well as day-to-day managerial



responsibilities for all public postsecondary education or segments, such as universities, state colleges, or community colleges, within the public postsecondary system of education.

3. Coordinating board--a board assigned advisory or regulatory functions in certain specified aspects of higher education, such as reviewing institutional budgets or developing a long-range plan, and for certain specified segments or for all of public postsecondary education.
4. Individual boards--boards for each institution of higher education or for groups of such institutions with control over all activities not delegated to a coordinating agency.
5. Superboard--a board assigned governing and coordinating functions for all segments of public postsecondary education.
6. Statewide system--a state's individual plan for managing its system of education; such a system could have a variety of components in numerous alignments.
7. States of the southern region--the 14 states organized geographically into the Southern Regional Education Board: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia.
8. Regionalism--differing patterns of institutions from various states joined through legislative action in a planned effort to solve state or regional educational needs.

Procedure

The general design of this study was historical, with these overall steps:

- (a) A specific topic was identified.
- (b) Subjects for the study were selected and limited.
- (c) A time frame was identified.
- (d) Sources of information (primary and secondary) were selected and researched.
- (e) Information was described and analyzed.
- (f) Data were then synthesized and evaluated.

The specific steps to implement the design of the study were these:

- (a) Review of literature on the theory of state systems, based on an initial bibliography prepared by Wattenbarger for EDA 0710, a University of Florida course on Coordinating State Systems.
- (b) Review of literature on issues in state systems from 1970-1979, identified from a search of all available indexes in the field.
- (c) Investigation of each state to construct a verifiable legislative narrative. Sources of data included reports and summaries from the Education Commission of the States, material prepared by the Southern Regional Education Board, and documents prepared by agencies in the states in this study. Additional sources included legal provisions prior to 1970 and histories of each state's system.

- (d) Identification from the reviewed material of selected law cases pertinent to each state. Cases were then located in the proper reporter, read, and then the key indicators were used to identify from the digests other significant cases.
- (e) Data were then synthesized into responses to research questions and generalizations to form a discussion on peripheral issues.

#### Organization of the Report

In Chapter I of this report, the problem, the research questions, the justification for the report, and the procedure were discussed. In Chapter II, the pertinent literature was reviewed in three sections: theory and practice, times and the issues, and narratives of states outside the South. In Chapter III, legislative narratives of 10 states beginning the 70s with statewide coordinating boards were described and analyzed. In Chapter IV, the legislative narratives of the four states beginning the 70s with statewide governing boards were described and analyzed. In Chapter V, the study was synthesized in terms of responses to the research questions and a discussion of peripheral issues inferred from the study.

## CHAPTER II

### REVIEW OF RELATED LITERATURE

The literature reviewed for this study was divided into three sections pertinent to the problem: Theory and Practice, Times and the Issues, and Narratives of States Outside the South.

#### Theory and Practice

Toward the conclusion of the 1950s, the Center for Research and Development in Higher Education of the University of California at Berkeley conducted a series of investigations entitled "The Diversification of American Higher Education." As part of that Berkeley study, Glenny published in 1959 a report on the organization and operation of coordinating agencies in 12 states with general conclusions relative to statewide coordination of higher education. At that time, literature, both descriptive and analytical, on statewide coordination was meager. According to McConnell (1959) in his introduction to Glenny's book, this study was timely for several reasons:

The impending enormous increase in enrollment will put a severe strain on public institutions in all states, even the wealthier ones. If quality is not to be sacrificed, available financial support--which must be secured in competition with growing costs of other governmental services--will have to be efficiently allocated within a total educational effort (p. ix).

In his introductory comments, McConnell set the stage for the reader of Glenny's book as well as for the decade of the 60s. McConnell (1959) commented:

In spite of impediments--whether of administrative opposition, social and academic attitudes, of ineffectiveness on the part of existing coordinating agencies themselves--burgeoning enrollments, mounting budgets, and the demand for new institutions would seem to make some form of coordination inevitable (p. xiii).

Glenny's landmark study attempted to determine which statewide organizational pattern and what type of relationship between the statewide organization and the individual institutions were most effective in achieving the ideal: an improvement in the quality of education while not forfeiting the autonomy of the institution.

Statewide systems had developed because of higher education's increased complexity and because state government had expanded with the addition of new services and the growth of old ones. At the time during which Glenny wrote, higher education was confronting demands for the most cost-effective expenditure of every dollar, for programs of quality, for adequate numbers of programs and institutions, and for a curb of wasteful administrative practices. State governments, both the executive and the legislative branches, with only a certain amount of dollars to be divided by more state services, were forced to analyze carefully requests, expenditures, and the interests returned on these investments. Gone was the era,

in Glenny's language, when "the successful politician proved his merit by bringing home an insane asylum, a prison, or a college. Frequently, it made little difference which" (1959, p. 13).

Before describing the systems in 12 states, Glenny analyzed the legal bases for governing and coordinating boards. He found that many governing boards had to spend most of the members' time coordinating and systematizing with little time left for administering each college and university. Consequently, presidents and other institutional officers ended up deciding issues that had previously been the province of the institution's board, no longer in existence. Glenny (1959) wrote:

Thus the activity of some governing agencies tends to be similar to that of coordinating agencies, even though the structure of control of higher education differs fundamentally because of the absence of institutional boards in the former system and their presence in the latter (p. 36).

Glenny identified by 1950 a trend toward the coordinating board (1959, p. 225). He also determined that most boards were being established by legislative enactment, an easier process, rather than constitutional amendment. It is important in any analysis of a state's system to ascertain carefully what powers are specified to an agency. Glenny (1959) wrote:

An omission of a major power or a limitation on duties may seriously impair the coordinating effort from the beginning. Even the utmost efforts of competent administration to achieve coordination in the areas in which power is granted may prove futile if other closely related powers are withheld (p. 183).

Much depends on the enabling legislation, what it gives and what it withholds. The legislation may, for example, award powers that allow coordination to be started but not award powers that would allow it to function successfully once the system is established.

Glenny's survey indicated that most professional educators recommended the coordinating agency with its multiple board structure. Yet Glenny's conclusion (1959) was equivocating:

The answer as to the best kind of organization depends on the goals sought. Some of these questioners want the least possible coordination and interference with traditional modes of operation. Others want the most coordination and the greatest uniformity and control possible (p. 225).

If there were no model, then each state had to look to itself, to its own history and tradition in education, to its educational goals and needs, and to the time itself with shifting demographics and fiscal vicissitude. Perhaps the system in each state must change more often than most state agencies would prefer because components of the system itself must change.

The Campus and the State by Moos and Rourke (1959) was prepared under the guidance of the Committee on Governance and Higher Education. The book's focus was on the impact of state controls, in numerous guises, on state institutions of higher learning. Moos and Rourke wrote, "Education is far too precious a matter to be threatened, however remotely, by misunderstanding, misinformation, or genuine grievances between

the capitol and the campus" (p. 16). They reported on the development in certain arenas, such as statewide administrative centralization and centralized budgeting. In the aspect of the work most relevant to this study, Moos and Rourke discussed the relation between the governor and the institution, with the governor's power as the appointer of board members, often as an ex officio member, and always as the leading political figure in the state. Moos and Rourke (1959) wrote:

But with exceptions, most governors in recent decades have fought to improve higher education, and at the same time have refrained from becoming too involved in the internal affairs of the schools. Dozens of forward-looking governors have made it a cardinal rule to let colleges operate without political pressure, although they may permit their executive agencies to exercise firm administrative control over the colleges. Many governors have allied themselves with higher education to win larger appropriations, even in the face of public resistance to increased expenditures (p. 257).

The 1960s was a decade of expansion and change. Chambers in 1970 published a review of the decade entitled Higher Education in the Fifty States. Chambers, a proponent of voluntary coordination, identified two major thrusts of the decade: one, detailed administrative and fiscal controls, and two, a change in governance systems, thus noting a reversal of the trend toward coordinating councils identified by Glenny. Chambers (1970) wrote:

The other and related thrust toward building the governance of all or many of a state's public universities and colleges into the hands of one statewide governing board, or the alternative of superimposing a power-laden "coordinating board," deserves



equally careful examination and monitoring. To the extent that this movement diminishes or destroys the autonomy of the university or college by removing decision-making from the campus to the statehouse or some other remote point, creating a species of "absentee landlordism," it tends to short-change and insult the constituency and to debase the institution (p. 9).

Higher Education in the Fifty States provided vignettes that described the state's degrees of control of higher education, as delineated in constitutions and statutes, judicial decisions, customs of the legislature, state administrative practice, and state structure for higher education. In 1970, Chambers (pp. 18-19), identified 14 states with one statewide governing board, 14 with a single board governing several institutions but not the principal state university or land-grant university, 26 with a coordinating board while retaining institutional governing boards, and 10 with no statutory coordinating board.

Chambers described his model, his ideal of the type of systemwide organization for the decade:

A statewide board without coercive power and committed not to engage in political struggles, committed to the flexible development of the statewide system and not to its restriction and harassment, can serve useful purposes. A style and technique of liaison and intercommunication--not of hierarchical control--is called for. This is appropriate to the nature of the higher education enterprise. It is suited to conduce toward maximum educational productivity for each tax dollar invested. It is not too difficult a style for existing boards to adopt and develop (p. 22).

Because a comprehensive work on state government and its relationship with higher education had not been written since

1959, Berdahl (1971) felt justified, based on the changes during the 60s, in writing Statewide Coordination of Higher Education. Berdahl (1971) agreed that no single form was proper for managing the tenuous link between the state and higher education. Yet he believed "that a careful study of the varieties of existing forms, along with some assessment of the strengths and weaknesses of each, may serve a valuable purpose" (Berdahl, 1971, p. 16). By 1970, 46 states possessed some statewide structure for higher education; however, 27 had altered their structures since 1955.

Berdahl identified a trend for coordinating boards to be awarded more regulatory powers. He also concluded that there was a definite need for coordination to be performed at the state level. Berdahl (1971) wrote:

There is no such thing as "no coordination." In cases where no coordinating agencies were set up, normal state organs--the governor's office, the budget office, legislative committees, the state auditor, etc.--have made decisions (usually on an ad hoc basis) which explicitly or implicitly performed this function.

Rather than have coordination undertaken piecemeal by a variety of state offices, it is preferable from the standpoint both of autonomy and of the public interest that it be carried out by an agency specializing in higher education and planning on a comprehensive and long-range basis (p. 41).

Berdahl identified probable developments in state government during the decade of the 70s that are relevant to this study. In terms of the legislative functions, he believed that budget committees would be increasingly thorough in their examination of budgets for higher education. No longer would

education receive what the institutions requested with few questions asked, and fewer answers expected.

In terms of the executive functions, Berdahl analyzed the strong governor movement, especially in the governor's planning and financial functions. Berdahl (1971) predicted that if this movement continued and reorganization resulted, the dilemma would not be between having a stronger coordinating agency or retaining the status quo; "it is between having a stronger coordinating agency or being ingested into the executive branch of state government" (p. 266).

In terms of constitutional autonomy for universities, and the movement to revise the constitutions in several states, Berdahl sounded a caveat. While underscoring the fact that universities often cite their constitutional autonomy as one reason for high quality, Berdahl (1971) favored constitutional autonomy from state administrative controls for all mature institutions or segments of higher education, "with the condition that explicit provision is made for statewide coordination of their program development" (p. 267). This would prevent situations, such as the one in Michigan, with each institution having a board with constitutional autonomy while the state board of education has the conflicting charge of leadership and planning.

The Carnegie Commission, concerned with what they perceived as increasing dominance of governors over higher education and encroachment of regulatory councils, published in 1971

a report entitled The Capital and the Campus: State Responsibility for Postsecondary Education. In an effort to limit the role of the governor in education, the Commission recommended that the appointment of members to state boards be subject to the confirmation of state senates rather than appointment at the discretion only of the governor and that the governor not serve as chair or voting member of state boards. The Carnegie Commission (1971) stated, "The standard system of checks and balances, and the standard rule or avoidance of interests should apply to the relationship of the governor to higher education" (p. 6). Regarding regulatory councils, the Commission saw no need for another bureaucracy if it duplicated functions performed by others in the state system. However, two functions--long-range planning and current consultation--should be performed by a state agency.

The Carnegie Commission (1971) concluded:

The new coordinating systems serve best when they concentrate on planning and consultation, rather than on routine administrative tasks, bureaucratic controls, and detailed regulation. They should provide enlightened guidance and not stifling delay and restraint. Routine regulation and control are neither needed nor compatible with the statesman-like planning and advice that are so essential (p. 8).

Ideally, the state's role should not be one of control but one of overseer, guiding processes by which educational policies can be developed by the governor and the legislature.

The Carnegie Commission viewed the governor as decisively affecting public attitudes toward education through his power to approve budget allocations, to appoint often with neither

advice nor consent members of boards and agencies, to veto legislation, and, simply from the position of state leader of his political party, to provide strong leadership to a board or agency member in that same political party.

The Commission regarded the legislature with similar importance. It concluded that the legislature tended to be involved in interstate competition for a prestige system of higher education, favored long-range planning and centralized coordination as control over the use and misuse of resources, and felt remote from the complex operations of the university, such as finances. But the most significant area of involvement resulted from its primarily being the body that specifies the structure for coordination in the state and "it is the legislature that, in most instances, provides the impetus and mechanisms for planning" (Carnegie Commission, 1971, p. 22).

The Carnegie Commission (1971) supported the use of coordinating agencies with these overall general purposes:

1. Avoid wasteful duplication in programs and harmful competition for resources;
2. Work toward greater efficiency in the use of scant resources;
3. Aid the orderly growth of all postsecondary facilities within the state, including consideration of location of new campuses;
4. Assist in developing state policy on admission of students in higher education;
5. Collect data for policy determination;
6. Encourage sufficient diversity within the system to satisfy the diverse educational needs of the state;

7. Serve as a communication agency among the post-secondary education community, the state government and the public;
8. Foster excellence in the development of the variety of programs involved in the expanding postsecondary education network (p. 26).

In 1971, the Carnegie Commission believed, as is obvious from these general purposes, that the coordinating agency should function as the buffer between the state government and the public, as a protection of the institutions and their traditional freedoms from legislative or executive interference. To carry out this overriding function, the Commission (1971, p. 105) listed matters appropriate for the state "to exercise influence and even control":

1. Numbers of places available in state institutions as a total and in specific programs where there are clear manpower needs
2. Number and location of campuses
3. Minimum and maximum size of institutions by type
4. General admissions policy
5. General level of institutional budgets, including construction budgets
6. General level of salaries
7. Accounting practices
8. General functions of institutions
9. Major new endeavors
10. Effective use of resources
11. Continued effective operation of the institutions within the general law

How the state would manage to exercise control over these areas would be a matter of continuing debate and experimentation throughout the decade.

Glenny and his co-researchers in 1971 published a model for the 70s based on research of 35 state systems. The operational model was for a coordinating agency with specific guidelines in planning, program review, and budgeting. Glenny et al. (1971) determined the superiority of the coordinating board:

The coordinating board has one great paramount advantage over statewide governing board for the public system. That is its ability to act as an umbrella under which a variety of other institutions, agencies, commissions, and councils relating to higher education may be placed for state coordination (p. 16).

The author discussed how that umbrella could protect private colleges and permit them an integral role in the state system, involve proprietary vocational and technical schools, combine with other state agencies, such as the scholarship and loan commissions, and citizens action groups for a truly integrated system of postsecondary education.

Mortimer (1972) discussed the accountability of higher education, accountability both for its escalating societal responsibilities and for efficiency in operation of systems with increasingly larger numbers of everything. Education's accountability, for better or worse, had been mediated through others, such as the governor and the legislature. Mortimer predicted in 1972 that pressures from outside sources "are likely to increase substantially in the 1970s" (p. 24).

Mortimer (1972) noted the increasing trend, "as state political leaders fail to see their goals of accountability and control achieved through coordinating and governing boards" (p. 15), to maintain standards of accountability through the governor's budget office via line-item budget control. Other areas of the governor's executive power for control were the state building commission and central purchasing agencies.

The legislature held institutions accountable through the appropriations process and the drafting and implementing of a master plan. State legislatures also "tend to support increased procedural controls like program planning and budgeting and cost formulas as a means to enhance accountability" (Mortimer, 1972, p. 16).

After reviewing the current situation in statewide systems, Mortimer discussed what he considered the law and order view of the world. To Mortimer (1972):

The real issue with respect to institutional autonomy and accountability is not whether there will be intervention by the state but whether the inevitable demands for increased accountability will be confined to the proper topics and expressed through a mechanism sensitive to both public and institutional intents. A proper balance is difficult to define and will change over time (p. 23).

As Mortimer reviewed the current practices in statewide governance and the circumstances of the times, he ventured in 1972 three predictions for the remainder of the decade of the 1970s. He predicted that higher education would achieve the status of a quasi-public utility:



The public utility concept rests on two basic assumptions that appear to be on the rise among executive and legislative agencies. First, institutions of higher education tend to protect their own vested interests to the detriment of the broader public interest. There is, therefore, a basic conflict of interest between the public and individual institutions. Second, higher education is a community or service, similar to electricity and telephones, to be provided to the public at a regulated cost (Mortimer, 1972, p. 47).

Mortimer's second prediction was that there would be more concern with the management of higher education and that efficiency as well as accountability could result in consolidation of systems and superboards.

Mortimer's third prediction was what he considered the ultimate challenge of the decade:

The direction that pressures for accountability will take will be multiple and sometimes conflicting. There appear to be some inevitable tensions between legitimate demands for accountability on the one hand and desires for institutions and individual autonomy on the other. The challenge of the next decade is to find a balance which assures both the protection of the public interest and the educational environment so critical to effective scholarship, teaching, and service (1972, p. 50).

Harclerod, in introducing papers on specific states relative to planning, confirmed that many states had resolved the governance dilemma by setting up boards or commissions through statutes with increasing regulatory powers. Harclerod (1973) analyzed the reasons for stronger boards, regardless of type:

The push for more statewide governing boards and stronger coordinating commissions clearly demonstrates public and legislative desire for agencies which can be held responsible for effective functioning of total statewide postsecondary education systems (p. 3).

Harcleroad also presented a model for statewide coordinating boards or commissions. These should be the responsibilities of such a board:

1. Leadership and coordination in (a) formulation of statewide needs and policies, (b) long-range (sic) and short-range (sic) planning, (c) program development with statewide implications, and (d) establishment of statewide and institutional master plans for the development of programs and physical facilities at individual institutions.
2. Approval of institutional objectives on which to base yearly institutional budget requests, consistent with statewide planning, guidelines, and previously approved college master plans.
3. Appraisal and evaluation of institutional achievement of approved objectives, including fiscal postaudit and analysis of institutional application of statewide policies and guidelines.
4. Advice to individual institutions, needed and requested, on operational matters (p. 6).

In 1973, the Carnegie Commission on Higher Education reported on postsecondary educational governance in the Governance of Higher Education: Six Priority Problems. The Carnegie Commission determined:

External authorities are exercising more and more authority over higher education, and institutional independence has been declining. The greatest shift of power in recent years has taken place not inside the campus, but in the transfer of authority from the campus to outside agencies (p. 1).

Simultaneously with this external-internal battle was an internal-internal battle: students were seeking a more active voice in curriculum and disciplinary matters and faculty were initiating collective bargaining in their own behalf.

The Carnegie Commission (1973) identified these features as inherent in the tradition of American higher education

and as those worthy of preservation and enlargement:

1. A reasonable degree of independence from state and federal control
2. Institutional separation from partisan political activity
3. Essential academic freedom for faculty members and students
4. Availability of many options from among which students may choose in selecting their campuses, their periods of attendance, their fields of study, and their courses
5. Diversity among campuses
6. Adaptability to changing circumstances
7. A reasonable degree of consent within the campus
8. A reasonable degree of public support externally (p. 11).

The problem, however, remained: could higher education retain what was good about it, its uniqueness, while forces from external arenas were intruding more and more on internal affairs? While offering no answer, the Commission (1973) did recommend an approach. Higher education should choose influence, not control. Control meant an order was given and if not obeyed, the person or institution should be penalized for non-compliance. Influence could be exerted in numerous ways, often associated with money. Funds could be provided for special activities, such as money to fund projects for students with physical handicaps or language problems, or for women who have traditionally been excluded from intercollegiate athletics. Influence could also be exerted by creating a climate of public opinion that might either encourage or discourage certain campus actions.

To supplement the priorities listed by the Carnegie Commission, Cunningham (1973) listed six additional ones related to governance at mid-decade:

1. Interdependence of higher education complements independence;
2. Character of the boards of higher education;
3. Loss of confidence in higher education;
4. The provision of good teaching;
5. Provisions for meeting student needs;
6. The overriding temper of the institutions that leads to emergency situations (pp. 2-6).

In 1976, the Carnegie Foundation for the Advancement of Teaching produced a report entitled The States and Higher Education: A Proud Past and a Vital Future. The report described, at mid-decade, current and potential problems in the precarious relationship between the state and the institution. Among the problems of the future, the Carnegie Foundation (1976) listed these:

1. How to maintain dynamism with growth;
2. How to avoid parochialism as the individual states become a greater source of funds and policy;
3. How to support the private sector while maintaining its independence;
4. How to get accountability by higher education without stifling it with detailed regulation;
5. How to balance the public interest against the need for institutional autonomy in academic areas of decision-making (p. ix).

The report voiced concern about increased centralization of authority over higher education because such control reduced the influence and the requisite responsibility of those most intimately aligned with the institutions: the students, the faculty, the administration, the community. One of the primary reasons for decrying such centralization was centralization's lack of evaluative mechanisms:

This centralization seems to have had no measurable direct impacts of policies or on practices. No provable case can thus far be made that higher education is in any way better because of centralization, except, where it has taken place, in the one area of careful advance academic planning for higher education as a whole (Carnegie Foundation, 1976, p. 11).

This 1976 report suggested that the movement toward more and more regulatory agencies could be reversed. In many states, the governor, legislative committees, and state budget offices could assume what the regulatory agency originally may have assumed from them or these political entities could go directly to higher education and simply ignore decisions from the agency. This suggestion, however, eliminated the buffer role of the agency and necessitated more frontal confrontation and conflict between politics and education.

The Carnegie Foundation (1976) report affirmed the idea of statewide governance as a living system with boundaries concurrent with the state:

Each state has a different history, a different structure, a different set of policies for financial support, and thus, decisions about coordination will tend to be quite various, as in fact they are. What

works well one place may not be satisfactory in another. Each situation has its own unique elements. No one pattern will work equally well everywhere. And some flexibility of arrangements for planning and implementation may be desirable to accommodate changes in situations and in the nature of problems to be solved (p. 16).

Millard (1976) reviewed the development of state boards, clearly describing their functions and responsibilities, believing that they are indeed here to stay. Millard, in discussing trends, enumerated four sources of tension: control versus autonomy, centralization versus decentralization, the degree of homogeneity, and clarification of administrative responsibilities. Muirhead (1976) in his foreword to Millard's book wrote:

These boards are ultimately in the best interest of the higher education community. In a period of retrenchment, in which accountability, effective use of limited resources, and concern with evaluation are paramount, state boards, acting in consort with all sectors of postsecondary education and the public offer the best promise for insuring institutional survival and maintaining the quality of education (p. 5).

Glenny (1979) in an article entitled "The Anonymous Leaders of Higher Education," originally published in 1972 and republished in 1979, contended that neither the president nor the governing board affected important policy decisions. Glenny (1979) listed these decision makers internal to the institution: persons in institutional research and analytical studies, the budget managers (p. 402), the admissions officer, and the financial aid officers (p. 404). Outside the institutions, Glenny (1979) listed these decision makers: accrediting agencies, federal restrictions, statewide coordinating boards, and

budget officers. Glenny labeled the coordinating boards as the most debilitating, stating:

The coordinating boards are awarded specific powers in their enabling acts, powers which are taken away from the institutional governing boards or are new delegations of executive or legislative powers. The boards have been created primarily to control overlap and duplication of programs, to optimize the use of state funds, and to plan for the orderly development of the whole of higher education in the state . . . . Yet few citizens and not many legislators know the functions of the board, or the names of the members and the executive director (p. 408).

Glenny (1979) summed up his argument, frightening in its implications, with this statement:

Certain officers, who are virtually unknown both within and without the institution, may be setting directions and making more important policies for the long-range welfare of the institution than do the formal policy councils and chief administrators (p. 405).

Millett (1979), in a review of education and governance, focused on the confusion from the lack of distinction between the administration of a state university and the state's role in decision making about the total system of postsecondary education. Millett pointed out the emergence in the 60s of an increasing concern on the part of the state for governance "which would recognize the state financial interest in meeting state higher education needs on a planned basis emphasizing both effectiveness and reasonable cost" (p. 2). Millett concluded that by 1979 "no state government in the United States can claim to have found the 'ideal solution,' reconciling the concerns of institutional governance with the concern of state governance" (p. 3).

To Millett, the question about the state's role remained the same; the answers depended on each state, its educational history, and its educational political leadership. The questions centered on these issues:

1. Planning: What are the state needs for higher education services, including instructional programs, student access in qualitative and geographic terms, and assistance to economic development?
2. Coordination: What should be the scope of instructional programs and other programs to be undertaken by each state supported college and university, in order to prevent duplication and the proliferation of high cost programs?
3. Financing: How should support of current operation needs be divided between state and student; how should support of capital plant needs be divided between state financing and self-liquidating financing; and how should state support be distributed on an equitable basis among programs and state institutions? (Millett, 1979, p. 9).

Millett, however, contended that there were verities. Essential characteristics of state governance were these:

1. The state government organization for higher education should be comprehensive in scope, including two-year programs in technical education two-year college transfer programs, baccalaureate programs, graduate programs, and first professional programs.
2. The state government organization for higher education should be concerned with the welfare of private as well as of public higher education institutions in the state.
3. The state government organization for higher education should be oriented toward the concerns of state government with the needs for higher education services, access to higher education, the fullest possible utilization of all available resources for higher education service, the delivery of services of appropriate quality, the elimination of duplicating programs of high cost and limited enrollment, the effective performance



of higher education services, and the efficient performance of higher education services.

4. In order to fulfill its role of giving attention to the state concerns with higher education services, the state organization should not be vested with the authority and responsibility of campus governance.
5. The state organization for higher education should be provided with the requisite authority and responsibility to prepare periodically a state master plan, to coordinate program offerings, to undertake analytical studies, and to develop standards of appropriation support for the current operations and the capital plant requirements of higher education institutions in the state for consideration of the Governor and the state Legislature.
6. The state organization for higher education should be supported by the elected officials of state government without demanding or expecting the state organization to be politically subservient to elected officials.  
(Millett, 1979, pp. 40-41).

#### Times and the Issues

In the 1960s, enrollment grew from 3.8 to 8.6 million students, expenditures increased from 7.7 to 27.1 billion, staff almost doubled from 292,000, and higher education received 15 percent of all state expenditures (Halstead, 1974, p. 1).

In the 1970s, 36 states exhibited downward trends from these highs of the late 60s and early 70s. The decrease was not actually in the number of dollars appropriated but rather in the priority awarded to higher education from among the state services.

Wilson (1965) summarized the strengths and weaknesses of a decentralized system of education. He concluded that such

a system had been well adapted to the educational and societal needs of the past but that was "no evidence for its being equally well adapted to the needs of the foreseeable future" (p. 2). Some states or regions, for example, had too many institutions, while others had too few. This lack of consistency in higher education during the boom of the 60s meant pressures for change were often directed to agencies overseeing the public trust rather than to the institutions themselves.

Only 10 states in 1965 maintained what Glenny (1965) termed "happy anarchy" (p. 87). The trend toward increased coordination did not develop because educators deemed it necessary for the greater good; rather it was demanded by legislators and governmental agencies for more efficient spending of the taxpayers' money with a better return of this public investment in education.

Glenny described at length the voluntary, coordinating, and governing boards in existence in 1965 and their functions. Important to this study from Glenny's 1965 article was his statement that an acceptable pattern or a model coordinating system had not been established. What had been established was that the state system, or lack of one, tended to "reflect directly the traditions, values, and practices of the people of the state" (Glenny, 1965, p. 89).

McConnell (1965) compared the British system of coordination for higher education with the developments in the United States of statewide systems of governance for higher

education. To McConnell (1965), the "question is not whether to plan and coordinate. The real question is who will plan and coordinate" (p. 137). At that point in the chronological development of state systems, McConnell believed voluntary systems to be ineffective. He contended that state boards must have the power to approve all new programs, to discontinue programs, and to approve major physical plant proposals for construction or conversion. McConnell's most important contribution related to this study was contained in this comment and the word "accommodation":

One of the major functions of a coordinating board is to effect a delicate accommodation between the financial resources the executive and legislative departments believe they can or should allocate, on the one hand, and the resources the institutions believe they require, on the other (1965, p. 139).

Williams in 1970 listed these reasons why coordinating boards should lose ground to superboards: 1) the difficulty in recruiting and retaining truly qualified lay members on the board 2) the problems of keeping the coordinating board divorced from politics and 3) the unwillingness of university administrators and trustees to accept coordinating board decisions (pp. 2-3). Williams (1970) concluded his presentation with this comment:

In my opinion, coordination is the answer. The only problem is that effective coordination by its very definition requires uncommonly heavy inputs of maturity in educational philosophy and integrity in educational operations (p. 3).

Harclerod pointed out in 1972 the truth of the adage of "public money, public control." He said that for a century, "the competition for funds has required state

coordination as some level--with most of it being provided by legislature itself, often through a political, log-rolling process" (p. 3). To Harclerod, the future of state coordination appeared promising. Instead of accountants and budget officers, he foresaw educationally-oriented persons in agencies.

Harclerod (1972) presented six points of promise:

1. Effective statewide planning can extend equal opportunity for postsecondary education throughout an entire state.
2. Unnecessary and expensive duplication can be avoided.
3. Gaps in availability of needed programs can be pinpointed.
4. The needs for expensive low enrollment laboratory and technical programs can be clearly justified and adequate opportunities in such fields can be provided.
5. Minimum standards for funding of programs can be established.
6. Comprehensive information systems based on common data elements, can be developed (p. 7).

To balance these, however, were four points of peril:

1. State coordinating agencies, particularly those with governing responsibility, may get the idea that they themselves provide education--when in fact they are quite a distance removed from the real educational process.
2. Educators in central state agencies, because they feel they know the education process, may be more inclined to assume operational educational decision-making when it should be left on campus or extended campus.
3. The development of comprehensive information systems, desirable as it may be, has a number of perils involved.
4. The political responsibility may will be a problem as organizational structure is piled upon structure (Harclerod, 1972, p. 8).

Goodall, Chancellor of the University of Michigan-Dearborn, published in 1974 an article entitled "Emerging Political Issues for State Coordinating Boards." Citing the trend for coordinating boards during the preceding decade and noting the evolution of the roles of many boards from planning, research, and review to coordination and governance, Goodall (1974) discussed six emerging political issues that state boards will face in the next five to ten years (pp. 221-227), issues that demanded response if the future of state coordination of higher education was to be successful:

1. Role Perception

Goodall contended that boards more frequently will question to whom does the board owe its allegiance. Should the board, for example, be the voice of higher education, communicating the collective education position? Or should the board be the operative of the executive and legislative branches? Goodall suggested that neither the board nor its constituency was quite accurate in its perception; often each constituency (the government and education) thought the board was in its back pocket.

2. Program Review and Approval

The issue of program review was one of the most important for effective coordination and one of the most sensitive. The bone of contention was peer evaluation and review versus skepticism about review by outsiders, such as the staff of boards. In a time of retrenchment, with all associated connotations, an objective and acceptable process of program review would become even more important.

### 3. Budget Review

Institutions have been accustomed to making their cases directly to legislative budget committees. With state coordination, the board presented the total budget package to the legislature. Since budget review became the "meat and potatoes" issues of coordination and the board's credibility with both factors often rests on the budget review process, Goodall (1974) recommended a procedure "that provides for the state board to make recommendations for a comprehensive higher education budget so long as they (institutions) can also make their own case directly to executive and legislative budget officials" (p. 223).

### 4. The Definition of System

Goodall (1974) argued for coordination of a system based not only on geographic jurisdiction but clusters that have similarities, such as the "Big Ten" universities. Otherwise, statewide systems will lead to a leveling effect of higher education "that will be detrimental to many of the nation's finest universities" (p. 225).

### 5. The Coordination of Retrenchment

The problems ahead, as perceived in mid decade, would intensify in difficulty because of program cutbacks; no educator was likely to volunteer to lose programs nor was any legislator apt to recommend the college in his district be affected by retrenchment.

## 6. The Definition of Success

State Boards seldom have a criterion by which to measure their successes or failures. Evaluation processes should be developed as boards also would come under scrutiny in the area of accountability. It was simply insufficient to say the situation under the state board was better than if the state didn't have a board.

Millard (1974) cited the traditional "independence if not indifference" (p. 31) of various segments of postsecondary education. He suggested that with both declining enrollments and fiscal capabilities, this mode might shift to "ruthless competition among institutions" (Millard, 1974, p. 34). The countervailing trends to such situations are these:

Yet effective planning, intersegmental as well as interinstitutional cooperation and effective coordination to utilize common resources to meet the changing postsecondary education needs of post high school students of all ages may well make the difference between a chaotic struggle for survival and an effective pluralistic system of postsecondary education to meet the nation's needs in the decades ahead (Millard, 1974, p. 42).

Chambers (1974) lamented the trend toward overcentralization of the governance of higher education at the state level, either by subjecting state institutions to mandatory control from central regulatory offices or abolishing institutional governing boards and replacing them with a single statewide board for specified institutions or all state-supported institutions (p. 5). After analyzing the trends from 1970-1974, Chambers (1974) concluded with a prediction:

As soon as the nation begins to struggle out of the cynical, under confident mood that has affected it for some five years, there will be a restoration of faith in the expansion and improvement of public higher education as the best possible investment of tax funds for the long future. Whether this will occur next year, or within three years, or within seven years, no one can tell . . . We are not about to tear down what we have built up over more than a century (p. 25).

Wattenbarger (1974) described the shift in educational power from traditional sources to state level boards. He contended the forces altering the balance of power were not more aggressive educational elements but rather state agencies, legislative aides, and legislation mandating uniform rules and regulations. Wattenbarger stated:

Education as an instrument of society should be operated in the best interests of not only the students or faculty, administrators, or government, but the public at large. And as a result of the increased public demand for opportunity for higher education, power to make important decisions about higher education increasingly is being exercised by persons not directly involved in institutional operations (p. 3-4).

Van Dyne (1974) wrote that the process of centralization--whether to a board or the legislature or the governor--advanced every year. Attributing this shift in power to the differences between the economic and political climates in the 1960s and the 1970s, Van Dyne listed four items of major concern that coordinating boards must confront if they, and education, were to have a future:

1. A process by which review of budgets and programs can be conducted during the projected slowdown in enrollment. Such a process could lead to the closing of campuses and, more probably, the elimination of programs.



2. A process by which private colleges and proprietary schools can be involved in the statewide planning process.
3. A policy for the monitoring and financing of nontraditional higher education.
4. A procedure for developing comprehensive management information systems to provide data required for statewide studies, plans, and decisions (p. 11).

In a 1975 article entitled "Assumptions for State-Level Leadership in the Future," Mautz summarized the development of state boards and their interaction with the institution and the state. Mautz (1975) foresaw two forces, bleak fiscal outlook and rapid decrease in the size of the traditional college student pool, that in the decade of 1975 to 1985 would "determine whether state boards will continue with expanded responsibilities or whether fragmentation of our higher education structure will occur" (p. 263).

Mautz described the decrease of real dollars per faculty member and per student in the early 1970s and the burgeoning inflation beginning in 1974. With more and more demands on the state's dollars and a rearrangement of priorities based on the current reasoning that education is not now, and may never be, a panacea, the period of affluence is over.

Concurrent with a stable income was a decline in the number of traditional college-age students. Competition escalated with, for example, credit by examination and early admissions as carrots to tempt more of a smaller pool to a particular state or a particular institution in the state. Other attempts might open education to non-traditional students

and increase student credit hours by demanding college work through licensing and certification requirements.

State boards in such a restrictive environment were vulnerable to pressure from the legislature and the institutions. Mautz (1975) concluded:

Central boards will have an even more difficult task in preserving their autonomy and in protecting higher education while responding to economic and political necessities of the day. The boards' success in the past augurs well for their ability to adjust to the abrasiveness of the future. It is important that they do adjust while maintaining the confidence of both the universities and the legislature (p. 265).

In a 1975 article entitled "Statewide Coordination: Complement and Conflict," Spurlock focused on the escalating power struggle between education and state forces over autonomy and accountability. Questions such as these remained unresolved:

What is the real political role of the state coordinating governance-board?

What factors resist true statewide diversification of institutional purposes? (Are there identifiable forces leading to greater homogenization of purposes among various types of institutions?)

Can agreement be reached on a realistic interpretation of unnecessary duplication or expensive duplication as applied to secondary programs? (Spurlock, 1975, p. 191).

For education to receive its fair share of funding in an era of shifting priorities and increasing costs, these questions will have to be answered.

Spurlock posed another set of questions related to responsibilities and the overlap among the state governments, the state agency, and the institutions and their interactions:

On whom does the burden rest for proof of the need for greater centralization?

Can a clear distinction be maintained between statewide planning and planning for individual institutional development?

How can one ensure that fluctuations in state politics have desirable effects on individual institutions?

How can governors, staffs, legislative staffs, and the state budget office staffs be kept apprised of developments at the institutional level which are essential to their decisions? What do these staffs really need to know? (Spurlock, 1975, p. 193)

Spurlock offered few answers, but he did suggest that educational leaders look for similarities among state government's relations with higher education to ascertain applicable principles to deescalate the power struggle.

Berdahl in 1975 reviewed the history of the political-academia alliance; cognizant of the effect events have on process, he compared the difference between planning in the 60s and what he projected to be the issues in the late 70s and 80s:

To sum up in terms of the planning problems of the Sixties, it was that linkage of planning for growth in a context of relative affluence with only marginal enlargement of the planning family what was experienced. So, the planning problems were there, they were massive, and they tended to be quantitative. But, they were the kinds of planning problems I imagine a person enjoys handling. In contrast to that, looking ahead, it's a less happy picture. We know that the enrollment growth is already slowing down and that in the 1980s it will absolutely stop unless new types of students appear in remarkable numbers, which for the moment we can't be sure about. We know that the affluence of the Sixties has yielded to the austerity of the Seventies and that the relative priority of higher education in terms of state funding has slipped pretty badly (Berdahl, 1975, p. 4).

McNeil, Director of California's Postsecondary Education Commission, spoke at the 1976 Western Interstate Commission for Higher Education's Biennial Legislative Work Conference on Higher Education. McNeil (1976) summarized the issues of the 60s: escalating enrollments, need for new varieties of programs, innovative methods of teaching, new buildings and expanded and new campuses, new technologies, and even totally new higher education systems, and then said:

The educational issues that confront us now are not nearly so dramatic as those of the 1960s. . . . Not only have the issues changed, but also the context within which we must deal with them has changed. Ours is now an economy of scarcity, not affluence; and limited growth, unthinkable ten years ago, is now a fact of life for education . . . . The emphasis now seems to be more on consolidation of gains than on adventurous new experiments. And the tone is more pragmatic than dramatic; after all, when the rhetoric is set aside, do not many of the issues really boil down to a series of questions and their resolution to a matter of providing answers? (p. 9).

The educators and legislators in the 60s sought consolidation as a method of eliminating excessive competition, duplication of programs and facilities, and direct appeals to the legislature from single, and perhaps long favored, institutions. As the pendulum swung to centralization, others protested about the potential loss of institutional autonomy. McNeil (1976) claimed that such protestations were effective since "no coordinating agency went too far, and the smart ones picked their battle fields carefully" (p. 10).

McNeil discussed the potential for regional planning, the proper role of the state agency, and the fact that politics plays an increasingly major role in the decision making

process. And that role, that potential for interference, to McNeil can be the major problem of the 80s. McNeil (1976) said:

In my view, involvement becomes interference when the legislature impinges on the academic integrity of educational institutions; when decisions about governance, institutional management, academic policy, program planning, admissions requirements, faculty duties, and other related issues are made not in the halls of ivy, but in the corridors of the state house.

Some very well intentioned legislators and their staffs believe that they are being supportive of higher education through this kind of involvement. But no matter how laudable their intentions, how sincere their interest, the end result can be, and too often is, greater political control of our institutions (p. 13).

Rosenthal (1977) in "The Emerging Legislative Role in Education" focused on the change in the world during the preceding decade and the fact that legislators have changed with it. Rosenthal (1977) said that earlier there had been "little recognition among legislators and others that state legislatures have the power not only to revise funding formulas but to shape education policies" (p. 2). By 1977, many legislatures had become directly involved in educational policy with the ability, and often the desire, to exercise control over design, implementation, and evaluation of programs.

Since money no longer appeared to be the only answer, if it ever was, and negative opinion about education, its role and benefits, was on the upswing, legislators paid much more

attention to education. Since education was no longer sacrosanct, legislators questioned, probed, and talked about basics. They attempted to be accountable for education.

Rosenthal (1977) analyzed four political changes that had enabled the legislature to be more assertive:

1. Legislative capacity has been enhanced primarily from the practice of hiring professional staff and administrative aides. No longer must legislators rely on the educational establishment and activists for information or ideas.
2. The internal distribution of power has shifted. Power is becoming decentralized. Strong leaders still exist, but the "good ole boys" don't run everything from a smoke filled chamber. Another aspect in this shift in power is the emergence of standing committees, which seems to have opened the process and involved the broader legislative membership.
3. The work habits of the legislature are different. Most legislatures meet for longer sessions, with extra time spent on committee meetings, hearings, and deliberations.
4. The composition of legislatures has changed. Rosenthal believed the post-reapportionment legislators were different; they were "more independent, moralistic, aggressive and issue oriented" (p. 3). As people responsive to their milieu, they did not view education as untouchable by politicians but as subject to the same scrutiny as any other agency.

Aggressive legislative leadership throughout the country resulted in an upfront role for legislators and a diminished role for the education community. Examples included collective bargaining, school finance reform, education for the handicapped, bilingual education, and accountability legislation.

Rosenthal (1977) illustrated what can happen under these emerging circumstances:

In Florida, for instance, by tradition there has been a new speaker of the house every two years. Nearly every recent incumbent has sponsored and had passed a major education program. As a result, change and turmoil have beset Florida's education community (p. 4).

Florida, unfortunately, was not alone. Rosenthal contended that education was as off balance in many other states. With change the legislative buzz word and the legislative turnover high, one tended not to be quite as concerned with what this year's program would be as prescribed by the legislature. Next year's would surely be different.

McNeil (1977) described the events of the early 60s leading to higher education's becoming a legislative target attacked with words, such as accountability, program budget, program review, statistical justification, and cost-effectiveness. To McNeil (1977), these were the issues for both legislators and educators into the 80s: quest for sound comparable data, direct state support of private education, adult education, centralized education activities, regionalism, role of statewide coordinating group, and the role of politics in decision making (pp. 22-27).

Zoglin (1977), a member of the Board of Governors of California Community Colleges, believed that "in each individual situation, the reasons for increasing state control always seem compelling" (p. 4). To Zoglin, the issue of the late 70s was not who has the powers on campus but how the individual institutions can retain the powers necessary for effective governance when confronted with expanded control from state governmental bodies and the federal agencies.

The legislature controlled through its powers to appropriate funds for operating expenses and capitol outlay. It also introduced bills, passed laws, checked on compliance with performance audits, and utilized professional staffs. The governor's power stemmed from the right to appoint the members of the boards, to veto bills, and to reduce appropriations. Zoglin (1977) said of the governors, "Their ability to influence the climate of opinion throughout the state is immense" (p. 21). The boards primarily possessed the powers for the collection of data, budget review, program review, master planning, and advocacy.

Zoglin (1977) believed the coordinating boards had been successful during the growth period. But, in an era of shrinking resources, the question had become whether, from the institution's perspective, "boards may appear ineffective advocates, and from the legislative standpoint, ineffective managers" (p. 28).

Mortimer and Tierney (1979), in writing of the coming of the 80s, forecast a 19 percent decline in the number of 18-



year-olds, the traditional pool for college students, as well as a probable decline in total college enrollment (p. 5). They also predicted a simultaneous lessening in revenue from tuition and fees coupled with spiraling costs borne by colleges and universities. Most states would attempt to reduce taxes at a time when education is not regarded as the priority of a decade ago. Of the nine summary statements or recommendations that Mortimer and Tierney (1979) developed based on an analysis of likely trends in the behaviors of institutions, two were significant to this study:

1. Problem of how to maintain financial stability in an era of declining enrollments and increasing costs
2. Necessity to maintain quality by developing procedures and criteria for select program closures, reductions in force, and internal reallocations (p. 52).

In a 1978 article, Mundt reviewed ten examples of intervention by outside interests in the decision-making process and operations of the Washington community college system. Mundt challenged the idea that control had shifted from one entity to another:

What is really under way in American higher education is not an inexorable shift of local to state control but rather the development of new and complex decision making-processes resting on the interaction of various legitimate public sector interests . . . . Moreover, there is no traceable shift from 'A' (local board authority) to 'B' (recipient of the transferred authority). Rather, we see a multifaceted decision-making process in formation in which ultimate accountability is blurred by the many hands and outside interests that intervene (p. 50).

Hollander (1978) wrote "The View from the State Capital," in which he described the 60s and the 70s and delineated the issues for the 80s. Hollander wrote that the legislature in the late 60s would routinely have voted substantial additions to college budget requests without raising any serious questions. But no longer. The distance between the state government and the education community had narrowed primarily because postsecondary education's share of the overall state budget increased by 85 percent in the average state between 1968 and 1978. Of additional significance was the concept, fostered by many in the education community, that education could cure society's ills. Education with increased access and influence had become a pervasive facet of people's lives.

In the late 60s and 70s, the institutions lost influence and power to the states, especially in guidelines for accountability, budget review, and program review. Hollander (1978), while admitting that academia often responded to such intrusions with hostility and defensiveness, suggested that the effect of most boards had been positive state actions:

When they function properly and effectively, coordinating boards can assure institutional autonomy over academic questions while they develop arrangements for budgetary control, planning, and accountability that are informed and effective, yet respectful of institutional initiatives. Thus, it has been through the boards that many institutions have not only survived, but flourished (p.44).

Issues of the 80s, such as access, economic barriers, remediation, quality, demographic changes, and non-traditional constituencies, affect state planning. In the past, state

boards have justified increased physical plants and operating budgets on growth rather than equity. With declining enrollment and limited resources, "the relative roles of the major research universities, the state colleges, and the community colleges within the public sector will be dramatically influenced by state policies" (Hollander, 1978, p. 46). ]

Dangers for the future of postsecondary education included huckstering as an attempt to hold on to students, lowering the age for admission and other increasing conflicts with secondary education, reducing admissions criteria, and expanding programs beyond the institution's competence and resources. Contrarily, the problems of the imminent future mandated cooperation among institutions and funding arrangements other than enrollment driven formulas.

Education faced a period that could be chaotic because of conflict within the education community. Hollander (1978) recommended state boards as an alternative to chaos, as "the best means of protecting the public" (p. 46).

Magarell in the January 7, 1980, issue of The Chronicle of Higher Education, identified two major threats to American higher education in the 1980s: declining enrollment and rising costs (p. 6). Especially threatened will be private colleges and universities that have been recently changed into comprehensive state universities. Several states and university planning commissions rejected closing any university campuses. Instead, California will attempt to recruit more minority students (1980, p. 9). Magarell wrote that "maintaining the

goal of excellence will be the chief problem facing universities in the 1980s" (1980, p. 9).

The Carnegie Council of Policy Studies in Higher Education published its final report entitled Three Thousand Futures: The Next 20 Years for Higher Education. The report predicted that enrollment will decrease even as population grows and real resources will decline even as the Gross National Product increases. Four of the fears projected by many and summarized in the final report bear directly on this study:

1. Colleges and universities will compete for even more scarce students in destructive ways--including false advertising, easy academic credits, soft courses, grade inflation. To an alarming degree, some of this happened even before total enrollments started to go down. Public confidence in higher education erodes. Controls increase.
2. Public authorities will penetrate even farther into the internal life of institutions, increasingly determining what shall and shall not be done. They will undertake to manage the decline of enrollment by direct intervention both quantitatively and, more ominously, qualitatively.
3. The future of institutions is only marginally in their own hands.
4. All institutions of higher education are becoming or will become less dynamic in their development, more torn by internal stresses and strains in a Hobbesian world of 'every man against every man'; mere creatures of the public will expressed through bureaucratic controls than free-standing, self-governing entities (Carnegie Council, 1980, p. 9).

As a course of action, the Carnegie Council's report expressed a fear regarding state conduct. The Council was concerned that some educational and financial planners will use this opportunity to

seize control of systems of higher education, to make higher education an agency of state government, to do so in the name of saving money while suiting less those institutions that go along with the process (Carnegie Council, 1980, p. 10).

As one of the courses of action recommended to the state, the Carnegie Council suggested that states may wish to assist interstate consortia and cooperative use of facilities, "as has been done particularly under the auspices of the Southern Regional Education Board" (1980, p. 11).

Education's future, hardly appearing sanguine, is filled with problems that necessitate a careful analysis before initiating wholesale changes in statewide governance of postsecondary governance. The issues created by the time of the 1970s did not occur randomly; they were directly related to their milieu. Nor will solutions to better management of postsecondary education be conceived haphazardly; scrutiny of the past is called for as changes in the future are mandated.

### Narratives of States Outside the South

#### Introduction

During 1974, the legislators of Texas attempted for seven months to propose a new state constitution. The attempt failed, and Texas's 1876 constitution remained in effect. One of the controversial facets of the proposed constitution had been the designation of the Coordinating Board, Texas College and University System, as a constitutional authority rather than a

statutory agency and a delineation for the board of specific powers to curtail proliferation of programs and creation of new institutions. Delegate W.G. Coody of Weatherford, arguing for the constitutional provision, labeled the current statutory coordinating board "a toothless critter--all he can do is stand there and bark" (Morehead, 1974, p. 50).

Delegate Coody's comment, albeit colorful Texas metaphor, pointed to one of the recurring problems in any resolution of statewide governance of public institutions of higher education. A system was designed, perhaps with components grafted from other states; the system was agreed to, never unanimously, with motives and rationale repeatedly questioned by the losers; the new commission/agency/board, whether governing or coordinating, went about accomplishing what it assumed was its business in its territory until it poached on what another group (individual institutions, local communities, the governor, budget committees, education lobbyists and activists) regarded as its business in its territory. These territories were frequently not those specified in statute or constitution; they were those determined by state tradition and the shifting balance of power among the executive, legislative, educational, and economic arenas of each state.

When challenged, the critter, in Coody's language, might bark and call attention to itself, but everyone knew barking noisily was all it could do. If, however, the critter had teeth and barked, it might by its own threat and power be victorious, or it might quickly have its teeth pulled.

Another Texas example from the 1974 session illustrated other realities (Morehead, 1974). The 1876 constitution had provided that the University of Texas would finance its capital outlay through earnings on a permanent university fund (P.U.F.). The original prime asset of this fund was more than two million acres of low income, public land in West Texas. When oil was discovered on many of those two million acres, the University of Texas, in larger-than-life fashion, emerged as the most richly endowed institution in the nation.

In 1974, the University of Texas received two-thirds of the income from the P.U.F.; the other one-third was allocated to Texas A & M University. The P.U.F. itself was valued at 670 million dollars, invested in private and public securities. The legislature deemed it wise to defeat any constitutional change that would have sliced the pie differently by inviting other institutions to participate.

Narratives of event in four states outside of the southern region, Rhode Island, Michigan, Colorado, and Massachusetts at the beginning, middle, and conclusion of the 1970s illustrated and summarized the continuous discussion and change throughout the decade in statewide systems of governance.

### Rhode Island

Rhode Island, early in the decade of the 70s, provided an example of the ferment possible from creating systems of governance and then not allowing them to brew as structured. In 1969, Rhode Island constituted, as a corporation, the

Board of Regents of Education, awarding to it the power of the state colleges

with power to continue or abolish these boards, and to create whatever structure and organization it deemed best for the state department of education and the governance of the state universities and colleges. It appointed the chief state school officer and acted as governing board of the state institutions of higher education (Chambers, 1974, p. 222).

Nine members composed the Board of Regents, each appointed by the governor for four years with a two term maximum.

One of the reasons for this 1969 shift to totally centralized governance was the contention that the Board of Trustees of state colleges, established in 1939, enjoyed too much independence. Another, according to Chambers, was the attempt by the governor's supporters to gain political control of education (1974, p. 225).

Regardless of these reasons, which seemed compelling to Rhode Island in 1969, the Board of Regents existed for three short years, hardly a sufficient time period to determine success or failure in educational management. But three years might be long enough if the criterion were not management but political control. In 1973, an entirely new Board of Regents replaced the 1969 model. Thirteen members were appointed jointly by the governor and the senate. One senator and one representative were then added to the Board in an attempt at executive and legislative balance. Three subordinate boards were next established, including one for postsecondary education, each to recommend regarding the area of education under its charter.



Governor Philip W. Noel proposed the retreading of education in Rhode Island, contending the supplemented Board

was too small to be representative, was cumbersome and not a success, that Regents had not sharply distinguished between statewide policy formulation and local administrative decision making, and that issues concerning higher education and specialized areas of education have not been properly stressed (Chambers, 1974, p. 223).

Thus, in Rhode Island, the smallest state, a similar territorial conflict among educational institutions, the executive and legislative branches, and education activists, occurred as in Texas, the second largest state.

### Michigan

Michigan had maintained a strong tradition of institutional autonomy for higher education, a tradition substantiated in both state constitution and the courts. With the recognition that coordination and planning were necessary while not being automatically antagonistic to institutional autonomy, Governor William G. Milliken in December of 1972 charged the Governor's Commission on Higher Education. According to Gannon (1978), the commission endeavored "to find a broad consensus on needed reforms in postsecondary education and bring about their implementation" (p. 76).

When Governor Milliken charged the Michigan Commission on Higher Education in 1973, he listed several areas of concern, which Gannon (1978) summarized:

1. Institutions of higher education have fallen from high regard to only 33 percent of the American people expressing high confidence in educational leadership, as compared with 61 percent in 1966.
2. Not too many years ago institutions could request resources for capital outlay or operation from the state, and although many felt they did not receive all they wished, the rate was such that it probably could be looked on as the golden age for higher education in the United States. In the last few years it seems that it has almost totally reversed.
3. Because of the dissatisfaction of many students in the late 1960s and because of the financial crunch and changing of priorities, higher education is being reevaluated. It has to be accountable in ways and forms it never has before.
4. The effectiveness of teaching must also be reviewed.
5. The validity of the expressed desire of institutions for expansion, for more buildings, expanded programs, and bigger campuses, is questioned.
6. The need to measure the quality of education is to be emphasized (p. 77).

This summary of the governor's charge was not just a list for Michigan, but a list significant for the other 49 states. Governor Milliken also requested that the commission complete these five tasks:

1. Make recommendations regarding planning and coordination of postsecondary education and study the financial needs of postsecondary education.
2. Look carefully at the role and function of higher education in Michigan.
3. Devise a system for more effective planning and coordination.
4. Look for a more effective way for governance.

5. Look for a bold new design for the ordering and delivery of higher education services in Michigan (Gannon, 1978, p. 77).

Michigan, like many other states, had little reason for statewide planning prior to the mid 1950s. But by the early 1960s, along with increasing numbers of students seeking higher education came the need for more money, and with substantial funding increases arrived demands for accountability. The pattern, consistent in state after state, evolved from minimal planning and coordination to full fledged systems for planning and coordinating because of the 60s' triangle of students, money, and accountability. Michigan, because of its history of institutional autonomy, sought other answers.

The Commission submitted its final report in October of 1974. According to Gannon (1978), one of the key issues facing Michigan higher education was the process by which institutions and the state will deal with "the issues of institutional autonomy and the need for the state planning and coordination" (p. 76). Boards of trustees are the unit held accountable since "there is no office designated by law in Michigan that can request cooperation and coordination of higher education" (Gannon, 1978, p. 78).

After eight years in litigation, the Regents of the University of Michigan v. State Board of Education was decided by the Supreme Court in 1975 (235 N.W. 2d 1, Mich, 1975). The three major institutions had originally sued to determine the exact authority of the State Board of Higher Education in relation to higher education. According to Chambers (1977),

"the gist of it is that that the state board of education has no mandatory power over the state universities and colleges. Its relation to them is no more than advisory to their governing boards and the legislature" (p. 261).

In a 1978 issue of the Michigan AAUP Letter, Jones described the unique excellence of the Michigan nonsystem:

Michigan has a unique higher education history, and I believe a most fortunate one. From the inception of public higher education with the University of Michigan, our state has provided clearcut constitutional standing for our primary institutions, and through the vicissitudes of constitutional revision, legislative muscle-flexing, and court interpretation, we now live with a nonsystem of higher education in which each public baccalaureate institution had an independent board of control and considerable protection from the political whims of either the governor's office of the legislature. While the State Board of Education serves as Michigan's "1202 Commission," it is clear that the board has no power over the institutions, and barely qualifies under the federal 1202 definition. . . .

I think that this nonsystem is an excellent thing. Michigan has seen the gradual development of fifteen public baccalaureate campuses and twenty-nine public community colleges, each with autonomous boards and administrations, and each striving to develop and flesh out a character and charisma of its own. And, in fact, nearly all of these institutions have created some special appeal, and some loyal following, ranging from international prominence to local pride (Gannon, 1978, p. 79).

However, as the decade progressed, Michigan's local control continued to be challenged by acts of the governor and the legislature, who can indirectly control through appropriations and funding formulas.

Colorado

An example of a state undergoing change in the mid-70s was Colorado. In 1965, the Colorado Commission on Higher Education was established as a coordinating agency. Higher education in Colorado had previously been coordinated via a voluntary system under the Association of State Institutions of Higher Education, "an association of college and university presidents, accompanied by substantial legislative involvement through the joint legislative committee on education beyond high school and its staff" (Abbott, 1977, p. 9). Although the Association functioned well, its members were instrumental in recommending a coordinating council. Potter (1977) contended the colleges favored the creation of such a commission. He wrote that educators believed they would receive a fairer hearing before a professional group "rather than before a group of part-time legislators who did not know much about higher education" (p. 18).

The Commission on Higher Education was comprised of nine members appointed by the governor but approved by the Colorado Senate. One innovation was an advisory committee representing the legislature, institutions, and selected interest groups.

According to Abbott:

The powers assigned to the New Colorado Commission on Higher Education were carefully drawn to apply to those functions clearly statewide, or at least interinstitutional in scope, and were to include the development of long-range statewide plans, definition of institutional roles within the total system, approval of new degree programs and advisory review of existing programs, development of

integrated extension program and review of facility planning and of operating and capital construction budgets (1977, p. 9).

Basically, the Commission functioned as the intermediary between the institutions and the legislature. For example, each institution presented its budget request to the Commission instead of the legislature as a necessary phase in the planning process. The Commission then recommended its proposal to the Office of Management and Budget and the Joint Commission.

Often, when one group receives power, another loses. In the case of Colorado, neither institution nor agency was totally happy with another agency's power. According to Potter:

The unwillingness of these bodies to relinquish too much budgetary power seriously curtailed the Commission's effectiveness. In addition, the unwieldy and time-consuming process of budget submissions irritated the various institutions (1977, p. 18).

One of the primary concerns of the new Commission had been educational access in the urban area of Denver-Colorado Springs. In 1966, the Commission published the first phase in its statewide planning; Strengthening Higher Education in Colorado proposed "a system of community and technical colleges under the management and jurisdiction of the state" (Abbott, 1977, p. 10). Subsequently, the legislature established the state community college system. Other successes followed, all having impetus in the Commission. Examples included the Auraria Higher Education Center, Metropolitan State College, and the downtown campus of the College of Denver.

Stonington, chairman of the Commission, had this to say about its role:

There is no other agency or person . . . . who can look at education statewide and say, These are the duplications, these are the needs, these are the areas where we are not doing a good job . . . . It is really essential that the Commission has staff which can look at such things and be able to hand to both the governor and the legislature factual information relating to such matters (Potter, 1977, p. 19).

However, as with any independent planning group with only recommending status, some suggestions were disregarded, such as the recommendation against building a dental school at the Colorado Medical Center because of the required operating budget. Soon after the Commission was created, dentists began a strong lobbying effort. The momentum increased, growing from an initially modest planning allocation to total funding based on powerful lobbying and legislative support. The first class matriculated in 1973. Subsequently, according to Potter, "many legislators have had second thoughts about this costly venture" (1977, pp. 19-20).

Another example of the effects of the education-planning commission-political triad was the history of the emergence in 1975 of the University of Southern Colorado at Pueblo. Massari, a veteran legislator, initiated a political campaign to convert the junior college in his town to a four-year college and then, once the first campaign had succeeded, he continued the college's upward mobility by seeking to convert it to a university.

Mr. Massari was successful even though the college offered no program beyond the baccalaureate. Potter (1977) wrote:

The Commission came out strongly against the proposal, but a plea to grant the request was made on purely emotional grounds--to honor the grand old man of southern Colorado politics. Sentimental and political pressure won out and in 1975 the University of Southern Colorado came into being at Pueblo. Massari died shortly after seeing his dream come true (p. 20).

In spite of a reasonably smooth working relation with both the legislature and the institutions, the joint budget committee in the 1975-76 session virtually rearranged the Commission and its charge by cutting the staff in half; in effect it

removed the commission from the budget review process, eliminated staff for maintenance of its information base and jeopardized the commission's ability to carry out reviews of programs, institutional master planning, and statewide planning and policy development (Abbott, 1977, p. 8).

The pendulum had completed its ten year swing. Problems, such as access and equity in postsecondary education, that originally resulted in the legislature's enacting the Commission had been solved and the knowledgeable legislators had been replaced by others who perceived a new set of problems, such as additional bureaucratic levels of lack of legislative control. On retrospect, Gustafson, House leader, speculated:

The fundamental reason was frustration, I think. We had accepted their (the Commission's) recommendations, then rejected them. Higher education grew like Topsy, and we looked for a whipping boy (Potter, 1977, p. 20).

The Colorado situation of 1975-76 was another example of the tenuous position of any commission attempting to occupy a



void in planning and ending up skewed between politicians and various pressure groups.

### Massachusetts

The Massachusetts state legislature concluded the decade with a sweeping reorganization of statewide governance. Boards of trustees were eliminated at the University of Massachusetts, the University of Lowell, and Southeastern Massachusetts University. The boards governing the state college system (10 campuses) and the community college system (15 campuses), were also removed. Assuming their responsibilities was a nine member board for each of the 28 colleges and universities.

Also eliminated were the coordinating board of higher education and the cabinet-level Office of Educational Affairs. Assuming their functions was a 15 member board of regents appointed by the governor to govern all public higher education in Massachusetts. This board will be superimposed over the 28 institutional boards as a "superboard."

Attempts to reorganize educational governance in Massachusetts did not begin with the 1980 session. Since 1976, discussions have occurred; however, agreement was lacking among education leaders and no bill survived. Acting from evident frustration, Governor King, "told members of the Special Commission of the Reorganization of Higher Education that if they did not move more quickly, the legislature would reorganize without them" (Scully, 1980, p. 9).

The stated basis for reorganization was duplication and inefficiency in the system of governance. Walker, president of Southeastern Massachusetts University, pointed out:

There is some feeling that reorganization was being pushed for the wrong reasons, that it would be an easy fix for the fiscal problems of public higher education in Massachusetts . . . . the problems come from underfunding, and no tidy arrangement or rearrangement of the pieces and players is going to redress that problem (Scully, 1980, p. 9).

The Massachusetts reorganization was to be phased in with a target implementation date of March 1, 1981. Since educators were yelling "Foul" about both product and process, talk had already begun regarding revisions of the plan during the next legislative session beginning January of 1980. Given the dynamics of the situation--unclear rationale, loss of institutional autonomy, less streamlined budget process, more local control, merge of coordination and governance, removal of a cabinet position--The Chronicle of Higher Education may have a second article in June of 1981 proposing another reorganization plan for the governance of higher education in Massachusetts.

#### Summary

The literature reviewed for this study revealed a continuing search for a model of statewide governance. As educators prepared to confront the issues of the 80s, having a statewide system appropriate for each state, functional in planning and implementing, and capable of leadership became even more essential.

### Chapter III

#### STATES IN THE SOUTHERN REGION WITH COORDINATING BOARDS

In Chapter III is detailed the legislative history of the 10 states in the southern region whose statewide systems of governance in 1970 were coordinating boards, agencies, or commissions. These are the ten states: Alabama, Arkansas, Kentucky, Louisiana, Maryland, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

#### Alabama

The narrative of legislation in the state of Alabama during the decade of the 70s from the beginning through the middle to the end featured a continual battle regarding what authority over postsecondary education the Alabama Higher Education Commission should possess.

#### Background Information

In a special 1969 session of the legislature, Alabama created by statute the Alabama Higher Education Commission, hereafter referred to as AHEC. The constituencies designated for the AHEC were the two-year colleges, the four-year colleges, and the universities. Nine members, all appointed by the governor with the advise and consent of the Senate, were to serve on the AHEC for terms of nine years. The broad charge to the

AHEC as related to planning was to provide for continuous study, analyses, evaluation, planning, reporting and recommendations for long-range planning with established priorities on a statewide system to assure a sound, vigorous, progressive, and coordinated system of higher education for the state (Zwingle and Rogers, 1972, p. 16). Legislation authorizing the Alabama Higher Education Commission can be found in the Code of Alabama, Title 52, Section 513 (84) - 512 (93). Basically, the Commission created in Alabama was to act in a fact-finding and advisory capacity.

Parallel with the AHEC, a separate system of governing boards continued. The University of Alabama retained its own board of trustees. Likewise, Auburn University, the land-grant university; the University of Montevallo, formerly the state college for women, and the University of South Alabama maintained separate boards. The two predominantly Black state colleges--Alabama State College and Alabama A & M--were governed by the State Board of Education. Four other regional universities, each predominantly white, maintained separate boards as established in 1967; until then, they too had been administered by the State Board of Education.

Chambers in 1970 foresaw problems:

Tight consolidation and centralization would not sit well in Alabama, where the University of Alabama, has a tradition of a century and a half of academic autonomy, older and perhaps stronger than those of some of its sister institutions in other states in the Deep South, and where the history of cooperation among the major institutions in the public interest is excellent (p. 32).

One other event occurring before the decade is notable for its effect on this study. Auburn University planned to develop a four-year branch in Montgomery, the home of Alabama State College. Auburn's plan was challenged in the United States District Court by the Alabama State Teachers' Association on the grounds that such an expansion of Auburn rather than an integration goal for Alabama State College would perpetuate segregation of higher education in Alabama (Alabama State Teachers' Association v. Alabama Public School and College Authority, U. S. District Court, M. D. Alabama, N. D., 1968. 289 F. Supp. 784). The plaintiffs had based their case on the fact that since the courts had ruled each state must dismantle dual systems of elementary and secondary education, "that duty requires officials to utilize new construction or expansion of facilities as an opportunity to dismantle the dual system" (Alexander & Solomon, 1972, p. 568). Judge Frank M. Johnson, Jr., speaking for the Fifth District Court, rejected the plaintiffs' argument because of the difference between higher education and the public elementary and secondary system of education and freedom of choice. The decision was affirmed by the United States Supreme Court in 1969.

In the Fifth District Court's opinion, Judge Johnson wrote:

From where legislators sit, of course, the system must be viewed on a statewide basis. In deciding to open a new institution or build a branch or expand an existing institution, and in deciding where to locate it, the legislature must consider a very complicated pattern of demand for and availability

of the above-listed variables, including, also, impact on the dual system. We conclude that in reviewing such a decision to determine whether it maximized desegregation we would necessarily be involved, consciously or by default, in a wide range of educational policy decisions in which courts should not become involved (Alexander & Solomon, 1972, p. 569).

Based on the responsibility of the legislature and the responsibility of the courts, Judge Johnson concluded:

We conclude, therefore, that as long as the State and a particular institution are dealing with admissions, faculty and staff in good faith, the basic requirement of the affirmative duty to dismantle the dual system on the college level, to the extent that the system may be based upon racial considerations, is satisfied (Alexander & Solomon, 1972, p. 570).

One other case related to the dual system of higher education, this time in Alabama's system of junior colleges. In a decree of the United States District Court for the Middle District of Alabama, the judges' ruling required all colleges to recruit students from both races. Specifically, the order stated that:

facilities be expanded and curriculum developed at Mobile State Junior College so that it would be comparable to Faulkner Junior College and so as to attract a large proportion of white as well as Negro students;

complete elimination of all duplicate course offerings in the dual trade schools in five Alabama cities;

immediate faculty exchange in areas with dual trade and junior colleges and assignment of faculty and staff so that by September, 1971 the ratio of Negro to white teachers in each of the junior colleges and trade schools is substantially the same as such ratio is for the Negro and white population in the State of Alabama. (This provision of the order was subsequently modified and amended by the court).

special efforts to recruit students who are of the race different from that which the institution was originally designed to serve (Lee v. Macon County Board of Education, U.S.D.C., Ala., 317 F. Supp. 103, 1970).

On July 15, 1971, the Fifth Circuit United States Court of Appeals responded to an appeal from the Alabama State Board of Education regarding a portion of the original decree relating to establishing specific attendance areas. The Court of Appeals held that

in light of, inter alia, developments which had taken place since the date of the decree, as reflected by reports indicating efforts to equalize the physical facilities and curriculum of the predominantly black junior college, with those of the predominantly white junior college, the portion of the decree appealed from would be stay for one year, or until further order of the Court of Appeals (Lee v. Macon County Board of Education, 453 F. 2d 524, 1971).

#### Legislative Narrative

Alabama's legislature met on the biennium in odd numbered years until 1976, when it began annual sessions. In the 1971 session, the first after the establishment of the AHEC, a bill was passed to strengthen the Commission by requiring all public four-year institutions to submit their budgets to the AHEC for analysis and evaluation and then for the AHEC, in turn, to submit the final requests to the legislature and the governor (Bevre, 1971, p. 89). The 1971 legislative session with its budget impasse illustrated how fiscal planning and decision-making actually had been occurring in Alabama.

The 1971 session adjourned without an appropriations bill for education, as well as for other normal state operations. This inability to approve funds for education resulted from the governor's attempt to divert educational money into a Special Mental Health Fund. The House refused to accept the Senate's version, which supported the governor, and then rejected the conference committee's recommendations.

The proposed budget originally passed by the House had awarded only slight increases during the approaching biennium to the University of Alabama and Auburn with no appreciable increase for the Junior College Equalization Account (Wasson, 1971, p. 41). But as the 1971 fiscal year concluded, the state treasurer's office declared a \$15.7 million surplus in the Special Education Trust Fund. With that amount of money available, educators began calling directly on the governor to lay claim to the surplus. Adequate funding for the 1971-73 biennium was especially significant because the state, since 1965, had built 17 new junior colleges, added several trade schools and "greatly expanded other institutions of higher learning . . . with little enactment of new revenue measures to provide the necessary operating funds" (Wasson, 1971, p. 42).

Additionally, the legislature had approved increasing the opportunities for medical education within the state by expanding the University of Alabama medical school, building a medical school as part of the University of South Alabama,



establishing undergraduate medical programs at the University of Alabama at Tuscaloosa and Huntsville, and a college of pharmacy at Auburn. Wasson predicted in 1971 that "the real crunch will come in 1973, legislators believe, when the expanded medical education facilities are ready to begin operation" (p. 43).

The fiscal issue was ultimately resolved in a special November legislative session. Over \$800 million was appropriated for education with \$117.9 million earmarked for higher education in the 1971-72 fiscal year and \$120.5 million for the second year of the biennium (Wasson, 1972, p.1).

The 1973 session was a success for both the Alabama Higher Education Commission and education in general. In an historic occurrence, the action of the Alabama legislature resulted in Alabama's first billion dollar budget for the support of education. According to Fox, "the appropriations for higher education showed a 40.46 percent increase over the past two-year period and were only 4.42 percent less than ACHE's recommendations" (1973, p. 1). Beginning in January of 1973, the AHEC conducted budget hearings at each public institution. The Commission then analyzed the individual proposals, applied a formula, and presented to the legislature a unified budget request of \$315.9 with separate appropriations for each institution.

A bill introduced during the 1973 session proposed a major reorganization. This bill would have transferred the State Board of Education's governing power with regard to trade

schools, vocational schools, and junior colleges to a State Board of Vocational Educational, to be appointed by the governor. According to Higher Education in the States 1973:

Supporters argue that the bill would give vocational education and junior colleges a needed spokesman. Some arguments against it are that a board appointed by the governor would not be as representative as the present elected board and that it "would create a situation of overlapping programs, undue competition for money and students, and unnecessary duplication of programs, courses, and administration"(p. 33).

The change in governance was not accepted because of the attorney general's opinion that the change could not be made without the recommendation of the appointed superintendent (Bevre, 1974, p. 22).

The Alabama Higher Education Commission did not, however, experience a totally positive 1973 legislative session. Neither institutions on their own nor the AHEC had proposed any bond issue for education at any level. But when late in the session, a proposition emerged that would provide a \$60 million bond issue for higher education, the secondary and elementary level countered with a request for \$120 million. A \$179.9 million bond issue was eventually passed with four-year colleges receiving \$53.8 million, junior colleges \$13.2 million, and trade schools and technical institutes \$9 million (Fox, 1973, p.2). Thus, in a crucial fiscal decision, the AHEC was not involved, and the governor retained the final power as he would determine the priorities among the institutions "after consultation with the various institutions" (Fox, 1973, p. 3).

The legislature also established Chattahoochee Valley, the 19th junior college in the system at Phoenix City, a move opposed by the AHEC, which had instead recommended it be simply a branch of an already existing junior college.

The master plan for higher education was completed in 1974, marking another success for the AHEC in its relation with the governor and the legislature. Thirty-one advisory committees had been charged with submitting reports on specific areas. These reports were then analyzed by staff and consultants as part of the planning process, with the final report to be presented to the governor. The Master Plan For Higher Education in Alabama was officially adopted by the AHEC in 1974.

The conclusion of the 1975 legislative session sounded like an instant replay of 1971. The legislature adjourned once again without funding education. The governor then issued an executive order putting into effect his original budget proposal rather than extending the existing budget until a new one could be approved in special session. The question as to whether the governor did indeed have the authority to do what he had already done was raised. The attorney general, in an opinion to the Honorable George C. Wallace, governor of Alabama, under date of October 10, 1975, ruled that the governor had acted under his police powers. However, when the governor's procedure of funding education through executive order was challenged in court, the decision was quite different.

In Wallace v. Baker (336 So. 2d 156, 1976), citizens sought an injunction against spending public funds not legally appropriated by the legislature. The Circuit Court found that the governor could not legally appropriate the money if the legislature failed to do so. The Supreme Court denied a hearing on August 27, 1976. The decision held that the Alabama governor's proper role, if the legislature failed to pass an appropriations bill, was to call a special session, not to assume illegally the powers of appropriation for himself.

In a special November session, an appropriations bill (HB 9 1975) was passed with funds for higher education exceeding the AHEC's recommended funding level by some \$24 million. The Commission predicted on passage that such an appropriation "brought warnings of dire consequences for the next fiscal year" (Bevre, 1976, p. 149).

One facet of the governor's implementing his own budget was the inclusion in that budget of a \$1 million line item for acquisition of Athens College. Athens College, a four-year institution, was in trouble. The governor wanted to acquire Athens College and convert it into a senior institution operated by the State Board of Education. This purchase of a private college had been opposed by the AHEC, as well as the State Board of Education (Fox, 1975, p. 68).

In 1975, individual boards of trustees were provided for Alabama State University and Alabama A & M, the predominantly Black institutions that had been governed by the State Department of Education (HB 713; HB 769-1975).

Two other issues materialized, both indicating future problems for the smooth working relationship among educators, the legislature, the governor, and the coordinating agency.

In spite of the success of both the budget and the budget process in the previous biennium, for the 1975 session the presidents of the four-year colleges were unable to develop a unified budget for higher education. That lack of cooperation meant, according to Fox (1975), that legislators in each district with a college would seek "to pork-barrel" the budget (p. 71).

The second problem was the failure of the legislative attempt to "put some teeth" (Fox, 1975, p. 71) into the law that had created the Alabama Commission on Higher Education. Alabama had initiated a unique system when its commission had been established. The law required that a committee be set up "to evaluate the effectiveness of the work of the commission and to recommend changes as needed" (Bevre, 1975, p. 25). The evaluation committee presented 30 recommendations to the legislature, one of which (HB 371) would have amended the existing statute to "give the commission reasonable authority to require institutional acceptance of its recommendations with respect to the initiation of new programs" (Bevre, 1975, p. 26). Legislation (HB 139) to implement such recommendations for strengthening the ACHE was passed by the Senate but never survived the committee process in the House.

During the 1976 session, the first annual meeting of the legislature, a new group flexed its muscles and enabled the

secondary and elementary school system to win what had become a budget battle rather than an orderly process. According to Fox (1976), A-VOTE, the acronym for a teachers' lobby entitled A Voice of Teachers for Education, had supported for election 80 of 105 members of the House and 25 of 35 members of the Senate (p. 63). Consequently, they controlled the legislature. K-12 received the majority of a declared surplus. The higher education operations and maintenance funds were cut for 11 of the 13 institutions by four percent (Fox, 1976, p. 63). Alabama State University and Alabama A & M, the predominantly Black institutions were excluded; this time the dual system mentality worked to their advantage.

Concurrent with the loud voice of the organized teachers, the legislature refused proposals once more to strengthen the ACHE by adding to its authority and providing it with some powers to enforce its recommendations and conclusions. The specific conflict in the 1976 session centered around the relationship between proliferation and fragmentation of programs and the increased operational costs of higher education.

In the 1976 session, a movement to create a Board of Regents for the state's universities fizzled. However, a chancellorship was established for the University of Alabama system, whose Board of Trustees controlled three institutions. Since few of the institutions with their autonomous boards supported such a centralized governing process as regents, Fox (1976) predicted:

That is the reason another attempt will be made to put some teeth in a proposal to give ACHE more power to require schools to justify expansion moves but leave each school with a separate board of trustees (p. 65).

The legislature and the individual institutions became embroiled in a fiscal investigation. A budget control committee, planning for the 1977 session, claimed the institutions had more than \$180 million unknown to anyone. The institutions, on the other hand, counter-claimed that the money was from private donors and earmarked for specific purposes (Fox, 1976, p. 67).

The ACHE had recommended a 5.2 percent increase. Higher Education in the States reported the Commissioners' rationale:

Even though these recommendations represent a one-year stopgap measure for a long-range problem, in the absence of new revenue sources this budget recommendation reflects, in the commissioner's judgement, the maximum support which the state can afford for postsecondary education during the next fiscal year (Bevre, 1976, p. 150).

However, the governor had recommended a 2.8 percent decrease (Bevre, 1976, p. 150). The governor came the closest to getting his way, this time through the legislative process.

Also reduced was the ACHE's own budget; it was cut by one-third (Bevre, 1977, p. 29). Therefore, half the staff had to be terminated. Such budget reductions appeared to be the legislature's method of providing feedback.

The session in 1977, in contrast to 1976, demonstrated that higher education may have been down but was definitely not out. The appropriations for 1978 fiscal year increased

by 17.7 percent. Most of the difference in the sessions resulted from the intervention of the governor's strong arm. He had appointed a select committee to create what he termed a "Unified Education Budget" (Lowry, 1977, p. II-6). The committee membership comprised the individual institutions, the local school boards, the State Department of Education, the ACHE, and the Alabama Education Association, the powerful teacher's lobby. The committee's budget proposal, submitted by the governor to the House, quickly passed. In the Senate, however, problems emerged because the Senate added \$13 million, including capitol outlay for specified schools and funds designated for pay raises to college teachers. ACHE played a major role in returning the budget to what had been cooperatively proposed. ACHE and the college presidents opposed the money appropriated for raises, claiming "the raises would take away most of the funding increases won by higher education" (Lowry, 1977, p. II-6).

Early in the 1977 session, a report was presented by another influential committee appointed by the executive branch; the Citizens' Committee on Higher Education. This committee of lay members had been charged with studying the structure of higher education in Alabama. According to Lowry (1977), the Committee recommended "the abolition of ACHE and the establishment of a board of regents in Alabama" (p. II-7). Basically, the Committee maintained that higher education in Alabama "continues to be operated in an uncoordinated and



largely unaccountable manner" and that ACHE has not been effective because it lacked "a method of operation which is reasonably free of strong political influence" (Lowry, 1977, p. II-7). Regardless, once again, legislation to increase ACHE's power failed to pass. The board of regents plan, introduced twice in the Senate, also failed (Lowry, 1977, p. II-8).

One additional bill, which did not win passage, recommended a voting student number be placed on each institution's board of trustees.

In 1978, the educational appropriations bill again did not pass; once more, a special session was necessitated to fund education. The House had recommended a 19.2 percent increase for higher education and the Senate 22.9 (Bevre, 1978, p. 34). Neither version mandated salary increases for university faculty, a victory for ACHE. In a special session, the budget was approved at a 21 percent increase (Lowry, 1979, p. 59).

In 1978, Alabama joined the number of states providing tuition assistance to students. Alabama passed a bill authorizing \$300 per year grants for students attending any of 13 private colleges (Lowry, 1978, p. II-33). The program was assigned to the ACHE for administrative purposes.

The 1979 legislative session was significant as the first for a new governor who had campaigned on an austerity platform.

He initially recommended a 10 percent cut in higher education but agreed with the legislators and administrators " to leave operation and maintenance funding at last year's levels--roughly \$244 million" (Lowry, 1979, p. 59).

While demanding a reduced higher education budget, the governor requested a \$20 million appropriation for a "War on Illiteracy" in the elementary school system (Lowry, 1979, p. 60). After a battle with the Alabama Education Association, his request was trimmed to \$8.7 million with the teachers' receiving a 7 percent raise. The legislature finally approved in 1979 the inclusion of "university faculty in a bill mandating pay raises at all levels" (Lowry, 1979, p. 60). However, these raises were conditional on the growth in the education fund.

One additional bill that passed was noteworthy. In the future, colleges and universities would be required to submit line item budgets rather than lump sum requests.

In 1979, an evaluation of the Alabama Commission on Higher Education was published entitled Alabama's Challenge: Higher Education for the 1980's. The report concluded that the ACHE should be strengthened for more effectiveness, with authority and responsibility in long-range planning, program approval and review, budget review and recommendations, and data collection and dissemination (1979, p. 8). To the state, these specific recommendations were directed:

1. To fix clear responsibility upon the Commission for long-range planning for Alabama's system of higher education. The creation of a State Plan is essential and urgent. The Commission should be given the mandate to develop it without delay.
2. To provide the Commission with final approval authority for new programs and new campuses, and with review authority for existing programs. No academic programs or new campuses should be initiated or funded prior to approval by the Commission except by specific act of the legislature.
3. To expand membership on the Commission from nine to fifteen members. This will make possible more and effective use of committees as well as to provide for broader representation.
4. The State also should make available adequate resources to attract and hold the number and quality of staff needed to perform the legally assigned functions (Alabama's Challenge, 1979, p. 9).

The report also commented that an evaluation of past performance must begin with the "recommendation that an agency granted no real legal powers cannot in justice be held responsible for its failure to hold back all unnecessary duplication in academic programs or branch campus operation" (p. 13).

Subsequently, the legislature, after years of failed attempts, approved Act No. 14, which stated new powers for the ACHE. The legislation, in its final version:

1. Expanded the Commission's membership from nine to 12;
2. Gave the Commission authority to approve new programs and regulate off-campus offerings;
3. Made the Commission's executive director subject to confirmation every four years;
4. Grandfathered-in branch campuses and two-year schools if their fall 1978 enrollment exceeded 500 or the branches were established prior to 1960;
5. Gave institutions which had been denied new programs the power to appeal to the legislature;
6. Exempted from the Commission's regulation off-campus offerings on military bases (Lowry, 1979, p. 61).

### Conclusion

After a decade of growth and change in education, marred by interference from the executive branch, intervention in the legislative process by special interest groups, and threats from the legislature toward centralization via superboard, Alabama concluded the 70s with a coordinating board, that, at least in statutory language, had the ability to resolve some of the potential problems of the 1980s, such as proliferation and duplication.

### Arkansas

At the beginning of the 70s, the population of Arkansas was stable, the per capita appropriation of funds for higher education was ranked 48th, and personal income was ranked 38th (Chambers, 1974, p. 41). In spite of these facts, legislation during the decade produced a record of gradual but constant development with trends toward expansion, unification, and consolidation in the state system.

### Background Information

In 1961, the Arkansas legislature established by statute the Commission on Coordination of Higher Education Finance. With ten members on the board, all appointed by the governor and approved by the Senate for staggered terms of ten years, the Commission's constituents were two and four-year colleges and universities. The Commission was charged with conducting continuing studies "in all matters involving finances and

capital improvements" (Carnegie Commission, 1971, p. 129). Another aspect of the Commission's charge was "to receive, evaluate, and coordinate budget requests containing recommendations for separate appropriations to each of them" (Chambers, 1970, p. 46). However, since the Commission functioned in strictly an advisory capacity, any institution retained the privilege of pleading its case directly to either the governor or the legislature.

#### Legislative Narrative

The 1971 biennium legislative session in Arkansas was notable for three issues: the development of the Department or the Board of Higher Education, the merger of a predominantly Black institution into the university system, and the emergence of a community college concept. These issues, in differing guises, were to reappear continually during the decade.

As part of the total reorganization of state government, in 1971 the General Assembly rechristened the Commission of Coordination of Higher Education Finance as the State Department of Higher Education, one of 13 cabinet-level departments (Chambers, 1974, p. 39). Designed as a coordinating board, its charges included approving new colleges, programs, and departments, and planning and developing budget and fiscal procedures. Based on Act #38, 1971, and Act #287, 1971, Arkansas statutes, these are the primary duties of the Board of Higher Education:

1. Review existing programs and functions of the state-supported institutions. . . .
2. Determine the need for and recommend to the governor and the General Assembly, the establishment and location of any new institution, branch, or major center or existing institutions. . . .
3. Request and receive from each institution, any information the Board deems necessary for the performance of its duties.
4. Request, receive and evaluate proposals for all new units of instruction, research, and public service previously approved by the president and board of trustees of an institution, and determine if such new units are justified.
5. Recommend minimum and maximum fees to be paid by all categories of students.
6. Recommend the level of funding and method of distribution of state-supported scholarship and loan programs. . . .
7. Review, evaluate, and coordinate budget requests of all state-supported institutions and present to the governor and the general assembly a single budget request containing its recommendations for separate appropriations to each institution.
8. Conduct continuing studies in all matters affecting the institutions and submit to the governor, the general assembly, and each institution its findings and recommendations.
9. Adopt uniform definitions and report forms in institutional statistics. . . .
10. Conduct such studies and evaluations deemed necessary for continuous statewide master planning. . . .
11. Review all proposed bond issues and advise each institution of the economic feasibility.
12. Serve as the state agency for such federal programs which can appropriately be administered by it.
13. Direct and integrate programs for defining, popularizing, and securing acceptance of the major objectives of higher education, and relating them to the problems of the state.

14. Assist the institutions in formulating acceptable personnel policies and recommend to the governor and the general assembly classification and pay plans for each institution. . . .
15. Coordinate and approve the purchase or lease by any institutions or new or additional data processing equipment (Williams, 1971, pp. 28-30).

In this 1971 reorganization, each institution retained its autonomous board of trustees.

Chambers (1974) commented on the integration of higher education as a department into the executive branch of government:

Perhaps the nomenclature may not be too damaging if it is fully realized that not every "department" must be organized and operated on the many-echeloned hierarchical model, headed by a political appointee of the Governor and serving at his pleasure, with power to appoint institutional administrative heads, dictate policies, and interfere in the detailed administration. If carried to its logical extreme, this scheme would make professors and instructore clerks on the civil service model and would spell the ruin of public higher education by destroying academic freedom, initiative, originality, and esprit de corps in the academic and scientific profession--including students as well as teachers--and by producing low returns for tax dollars invested in higher education (pp. 40-41).

The General Assembly also approved two mergers: Arkansas Agricultural and Mechanical College at Monticello and the University of Arkansas, with the college to be renamed the University of Arkansas at Monticello; and Arkansas Agriculture, Mechanical, and Nomal College at Pine Bluff and the University of Arkansas, with the colle to be renamed the University of Arkansas at Pine Bluff. Both colleges would be governed by the University of Arkansas Board of Trustees, instead of their own local boards. The first merger, requested by Arkansas

A & M, caused no problem. The second, however, would have future and statewide ramifications.

Arkansas A M & N was in financial trouble. The legislature, after investigating the fiscal difficulties and while bailing out the college, mandated that it be linked with the University of Arkansas as "a way to help it change its image and become a fully integrated part of the state's institutions of higher learning" (Allin, 1971, p. 29).

As part of the state educational reorganization, a division for community colleges was established as a separate area of the state Department of Higher Education, providing that level of postsecondary education with integrity and credibility. The state Department was also charged with appointing an Advisory Committee for Community Junior Colleges. In an attempt to develop a state system of community junior colleges, the new state Department was charged with feasibility studies on establishing colleges in Hope, Arkansas, and in Benton County, Arkansas (Allin, 1971, p. 32).

A special legislative session was called for February, 1972, in response to the extreme opposition against the merger of Arkansas A M & N with the University of Arkansas, approved in the 1971 regular session. The administration of Arkansas A M & N, its students, alumni, and many of the Black leaders in the state opposed the merger, fearful that the school would lose its identity by being integrated into the university system.



The Arkansas Chapter of the National Association for the Advancement of Colored People contended that the merger "represents another white takeover of an institution which gave blacks the only real source of higher education available to them afforded by the state" (Allin, 1972, p. 22).

Regardless of these reactions, the General Assembly held firm in its commitment to fiscal responsibility and state unification and refused to repeal the legislation requiring merger.

In the 1973 biennium session of the legislature, the relationship between the General Assembly and higher education, according to Allin (1973), was "serious" (p. 5). The state Board of Higher Education, based on institutional justification, distributed funds from an accumulated surplus of \$100 million. In addition, the senior colleges and universities received an increase in operational funds of 42 percent (Bevre, 1973, p. 36). Perhaps this surplus and increase contributed to the mood of serenity.

The legislature passed the Community College Act, assuring the development of the state system. Previously, the enabling legislation had authorized building community colleges with the state and the designated community halving the costs (Allin, 1973, p. 5). The 1973 Act empowered the state to assume 100 percent of the costs.

In addition to the two community colleges already functioning, six communities formed committees to seek approval from the state Board of Higher Education, which made the final determination. The 1973 General Assembly budgeted funds to

establish "four or five new community colleges in the 1973-1975 biennium" (Bevre, 1973, p. 36). All of this impetus for the community college movement was recommended by the state Board of Higher Education. By May of 1973, the Board had approved two additional sites, upping the number of community junior colleges in the Arkansas system to four.

The legislature also empowered the Board of Higher Education to implement the findings of its "Role and Scope" study of 1972. The Board, in order to develop a statewide program based on the educational needs of Arkansas citizens, had made these recommendations: advanced graduate level institutions to include a comprehensive university, urban-oriented university in Little Rock, and a residential university; masters level institutions with emphasis on undergraduate programs and limited masters programs; baccalaureate level institutions with emphasis on quality undergraduate programs; two-year level institutions in a statewide system "available preferably within daily commuting distance of all citizens of the state" (Allin, 1973, p. 7).

In addition to the role and scope for the entire state, the Board took seriously its charge for coordinating instructional programs and reviewing all proposals for new programs. In its first two years, 42 proposals for new programs were reviewed with 32 being approved (Bevre, 1973, p. 36). Based on the reports to the 1973 legislature, the Board next assumed responsibility for a

broad-based study of off-campus instructional programs with a statewide plan to coordinate these efforts, a study of several program areas in which problems are evident, and the activation of a committee of medical personnel to advise the Board and staff on new health programs to be proposed in the future (Bevre, 1973, p. 36).

Although the General Assembly did not meet in 1974, three events of note to this study occurred. During the interim between sessions, the Board of Higher Education was asked not to approve any other community college elections until the General Assembly met. Arkansas was under court order to develop a statewide desegregation plan for higher education. The implementation of this plan, approved in 1974, was assigned to the Department of Higher Education. The Department completed its plan for off-campus instruction and began statewide program review of engineering and teacher education programs (Bevre, 1974, p. 226).

Arkansas also in 1974 joined the Academic Common Market, a cooperative venture of the Southern Regional Education Board that allows member states to send their students to specific graduate programs in other member states without the additional costs of out-of-state fees.

In 1975, the trends of expanding education opportunities while centralizing postsecondary education continued. The General Assembly renamed the State College of Arkansas at Conway the University of Central Arkansas and Henderson State College the Henderson State University. Both of these changes had been recommended by the Board of Higher Education (Bevre, 1975, p. 29). To circumvent similar changes from going through

the legislative process, the two remaining state colleges would be allowed to become universities by action of their boards, if they also had the approval of the Board of Higher Education.

The Board of Higher Education beginning in the 1975 session presented a unified budget to the legislature after having received individual institutional requests. The 1975 General Assembly followed the Board's recommendations.

Other acts of the legislature expanded the authority and territory of the Board. One concerned off-campus instruction. The Board, charged with recommending funding for off-campus work at a level consistent with on-campus, decided to assign each county in the state to a specific institution for "supplying the off-campus needs of the citizens in that particular area" (Bevre, 1975, p. 29).

Also considered in the 1975 session was the issue of community college versus branch campuses of universities. The General Assembly, for example, created a branch of Southern State College for Union County instead of a community college because of the negative feeling of people in that part of the state. To deny them a college just because they did not want a community junior college would not have fit Arkansas' expansionist educational directions at mid-decade. Instead, the legislative act specified that the branch would function as a community college. The legislature passed another act to limit the number of community colleges in the state to eight.

Another bill was passed directing the Board to "establish criteria, rules and regulations for branch campuses in Arkansas" (AR HB 1004 Act 975 1975). Another addition to the Board's authority was the charge to "establish rules, regulations and criteria for the teaching of courses and the offering of degrees by out-of-state institutions" (Bevre, 1975, p. 30) as well as in-state institutions. During the next year, based on a developed set of criteria and procedures, three out-of-state schools were approved for awarding degrees in Arkansas and three in-state schools were approved to award degrees not previously offered.

House Concurrent Resolution 22 charged the Board with creating a statewide plan for vocational-technical education. This plan was completed and approved in April of 1976 and presented to the Joint Interim Committee on Education in May (Bevre, 1976, p. 153).

In 1974, between sessions, the Board of Higher Education had begun an alliance with the Academic Common Market. In 1975, the General Assembly directed the Board to continue this program. In another experiment in regional cooperation, a resolution was passed charging the Department of Higher Education to set up a meeting with educators from Arkansas, Mississippi, and Louisiana to discuss establishing a school of optometry to serve the citizens of these three adjoining states.

In 1975, the General Assembly passed AR HB 545 SB 343 Act 238 1975 to establish a program to be administered by the

Department of Higher Education for providing scholarships to students from families with adjusted incomes of \$10,000 or less. Students could receive a state scholarship to attend either a public or private college in Arkansas, if the college was approved by the Board of Higher Education. The constitutionality of this scholarship plan was challenged in Lendall v. Cook (432 F. Supp. 971, 1977) on the basis of the establishment clause of the First Amendment. The District Court ruled the statute as applied by Cook, the Director of Arkansas Department of Higher Education, was constitutional. The judges ruled that the program provided aid for students, not schools, and that the statute had a secular legislative purpose. The Court also ruled none of the approved schools was pervasively sectarian.

A short special session of the legislature was necessary in Arkansas in 1976. The only budget change affecting higher education was an appropriation of \$108,000 to the University of Arkansas at Pine Bluff, still predominantly Black but now part of the system, for equalizing salaries with other institutions in the system (Bevre, 1976, p. 152).

During this interim session, a report by the Arkansas Legislative Council staff, according to Allin (1976), discouraged any movement in the state to establish a dental school (p. 8). Previously, a proposal had been presented to the General Assembly to redesign the state hospital buildings in Little Rock into a college of dentistry and link it with

the University of Arkansas College of Medicine (AR Study 1976). This 1976 report, evidently quite effective, dwelt on financing the operations of such a college compared to the cost of the contract program with the Southern Regional Education Board. Allin (1976) commented, "The question, therefore, has been effectively shelved for the time being" (p. 9).

In spite of what would appear from this narrative to be a developing system functioning cooperatively within its suprasystem, the 1977 session indicated otherwise. A new governor had been elected, and then the legislators refused to cooperate with his intention of returning major taxing powers to the counties and communities. As often happens in such a conflict, someone loses.

The first victim was the community college system, the newest member in the state's educational community. Although the legislature had approved eight institutions, the governor vetoed bills to create three new community colleges. The governor declared "that the state cannot afford any new higher educational institutions of any kind (Allin, 1977, p. I-13).

In another arena, the governor wanted only a five percent increase in appropriations for higher education and no new construction. However, the legislature approved increases for 16 percent (Bevre, 1977, p. 33).

Act 560 of the 1977 session again added authority to the state Board of Higher Education. In effect, the bill consolidated much of the previous scattered legislation into one bill while expanding responsibility in master planning and program

review. Concurrently, a bill to abolish the state Board did not get out of committee.

The governor in 1976 had commissioned a consultant team to study higher education governance in Arkansas. As a result, \$100,000 was appropriated to the Board of Higher Education to conduct master planning during 1977-78 with a target completion date of 1978 (Bevre, 1977, p. 33).

During the "off" year of 1978, the state Board continued work on the master plan for postsecondary education. Arkansas also had been ordered to revise its 1974 higher education desegregation plan. Bevre (1978) reported that Arkansas' revised plan was among the first approved by the United States Office for Civil Rights (p. 39). The state Board completed work on a revision of procedures for requesting higher education legislative appropriations. Bevre (1978) noted:

Many of the formula areas were changed to make them less complicated, and the general format was changed to provide a complete report of all income and expenditures from all sources. It is expected that the revised procedures and formats will provide all information needed by the state Board of Higher Education, the governor and the Legislative Council and reduce the number of additional requests for information (p. 39-40).

Although such a change in itself is not significant, it moved the state further along the road to centralization.

The last biennial session of the decade for Arkansas was 1979. It was highlighted by a 20 percent increase in the higher education 1979-80 appropriations. Hays (1979) reported that education received 64.9 percent of the state's total



budget for 1979-80 (p. 26). Such increases were possible for three reasons: a \$90 million surplus, a projected growth in revenue, and a new governor who was embarrassed by "Arkansas' perennial position at the bottom of national rankings on teachers' salaries and per capita income" (Hays, 1979, p. 26). The governor, himself part of the educational community, led, and the legislature followed, unlike the 1977 session. Arkansas used its surplus for capital improvement projects, including \$31.9 million on college and university campuses, instead of holding the surplus in reserve.

The General Assembly approved a 7 percent pay increase for state employees, including college faculty. The Board of Higher Education had recommended increasing the salary of top level educational administrators from 14 to 21 percent in order to equalize their pay with administrators in other states, and this recommendation was approved (Hays, 1979, p. 29). The General Assembly also approved the continued relationship with the Southern Regional Education Board for veterinary, dentistry, and optometry education for students from Arkansas through the contract program.

The General Assembly, in a generous mood, appropriated money for the state's seventh community college, and the legislation passed both houses. However, the bill was vetoed by the governor since the Board of Higher Education had not fully researched the need (Bevre, 1979, p. 106).

Unfortunately, with all the fiscal decisions, other educational issues received little legislative time. The recommendations presented in the fall of 1978 by the special commission on the future goals and policies of higher education were "largely ignored" (Hays, 1979, p. 27).

### Conclusion

For Arkansas and the trends noted in centralized coordination with institutional governance, the decade ended on an interesting note. The state constitution had been adopted in 1874. A constitutional convention was called to develop a new constitution for presentation to the voters in 1980. Bevre (1979) reported that:

The boards of trustees at the public colleges and universities are protected by an amendment that was passed in 1942. The higher education community remains interested in continuing the constitutional protection of boards and provisions for state-level coordination of higher education (p. 167).

### Kentucky

Kentucky, according to Chambers (1970), arrived "tardily into the scene of public higher education" (p. 157). However, the state progressed during the 60s and 70s in its support of higher education and in revising, developing and expanding its rather unique system of higher education.

### Background Information

The Kentucky Council on Public Higher Education was established by statute in 1934 as a coordinating body, "antedating almost all others of that type" (Chambers, 1970, p. 159). In its early years, the Kentucky Council directed its activities primarily toward the four state teachers' colleges. Administrators and trustees from the state institutions comprised the council. In 1962, three lay members were added, and in 1966, the Council's membership was reconstituted. Nine lay members appointed by the governor became the voting members with the presidents of the six state institutions as non-voting participants. The responsibilities of the Kentucky Council included these:

1. Engaging in analyses and research to determine the overall needs of higher education in the Commonwealth;
2. Developing and transmitting to the Governor comprehensive plans for public higher education which meet the needs of the Commonwealth;
3. Determining the amount of entrance and registration fees and approving the criteris for admission to the public institutions of higher education;
4. Considering requirements, reviewing budget requests of the institutions;
5. Approving all new professional schools and making recommendations to the Governor regarding proposed new community colleges and 4-year schools;
6. Constituting the responsible agency of the Commonwealth in all matters of higher education of a general and statewide nature which are not otherwise delegated to one or more institutions of higher learning (Zwingle and Rogers, 1972, p. 63).

The statutes establishing the Kentucky Council on Public Higher Education were the Kentucky Revised Statutes, Section 164-010-164.090.

Each institution in Kentucky maintained its own governing board. In 1968, the legislature approved one faculty member and one student be added to each board (Chambers, 1970, p. 159).

Because of the original membership and charge to the Kentucky Council with its emphasis on the state colleges, the relationship between the Council and the University of Kentucky was not significant. Chambers (1970) predicted:

Gradually as the years pass the University and the Council pay more attention to each other, though even yet in a crunch the University tends to deal directly with the governor and the leaders in the legislature (pp. 160-161).

#### Legislative Narrative

The 1970 Kentucky General Assembly, which meets biennially on even numbered years, considered replacing the Council on Public Higher Education with a board of regents and chancellor. Another related effort attempted to increase the authority of the Council in graduate and professional degree programs. Both of these bills indicated the feeling of some in the state that more control and centralization were needed; neither, however, was reported out of committee.

The major accomplishment of the 1970 session was integrating into the state system the University of Louisville, a municipal university which had been receiving little support

from its municipality and increasing subsidies from the state. No new bills to establish community colleges were considered.

The 1970 General Assembly directed the Kentucky Council to complete a "Role and Scope Study of Public Higher Education in Kentucky." The study, finished in 1971, contained 15 basic recommendations for the eight state institutions and the Council itself. Twelve and two-thirds of these were approved by the Council to be submitted to the Legislative Study Committee and then to the 1972 General Assembly (Bevre, 1971, p. 102).

During the interim between sessions, another issue was the merger of Salmon P. Chase College of Law, a private school, with Northern Kentucky State College. According to Bevre (1971), the Council on Public Higher Education at a special meeting "approved in principle the proposed merger despite serious questions as to its legality" (p. 102). Senate Bill 99 to confirm the merger was not passed in 1972.

The 1972 session was quite active in legislation related to higher education governance. Senate Bill 54, containing legislation to strengthen the Council, resulted from the recommendations produced by the role and scope study. Additionally, the new governor, during his campaign, had "cited increased coordination over future university expansion as a priority item" (Wilson, 1972, p. 10). Senate Bill 54 legislated that the Council would now have the authority to approve all new graduate degree programs and degree programs "for which professional, regional and/or national accreditation of

the school or program is available and/or licensing or certification of the graduate is required" (Wilson, 1972, p. 10).

The General Assembly also awarded to the Council the authority to review and approve all capital construction over \$100,000. After a project received approval by the school's board of trustees, it then had to be approved by the Council before being submitted to the Department of Finance and Property and Building Commission.

The Council was also authorized to continue educational planning, setting tuition and fees, and reviewing and recommending institutional budgets (Wilson, 1972, p. 10). The Council's budget was increased so that it could support its planning function and upgrade and add to its staff.

In addition to more power and authority for the Council, Senate Bill 41 increased its membership. The state's superintendent of public instruction as well as a lay member were added. And, on a political note, the governor, a Democrat, was authorized to replace all the Council members, each of whom had been originally appointed by a Republican.

Another bill passed requiring that private colleges must be licensed by the Council.

In the role and scope recommendations of significance to this study, Kentucky State College, a predominantly Black institution, was awarded university status. Kentucky State College had been desegregated in 1954, along with all state institutions of higher education, but it had attracted few

white students and 30 percent of its students were from out-of-state. According to Chambers (1970), several suggestions had been offered, such as converting the college to either a junior college, a branch of the University of Kentucky, a vocational school, or simply abolishing it entirely (p. 157). But by 1966, Kentucky State College had doubled its enrollment and by 1972 had achieved university status.

Specific roles were recommended by the Council and assigned to each state institution. For example, only Kentucky State University and the University of Kentucky could award Ph.D.'s, with only the University of Kentucky being permitted post-doctoral work (Wilson, 1972, p. 11). The University of Kentucky was designated "the principal state institution for the conduct of statewide research and statewide service campaigns" (Wilson, 1972, p. 11). The legislature did not accept the recommendation that would have limited the University of Louisville to research and service in their geographical area, similar to the mission of a regional college (Wilson, 1972, p. 11). Clearly, the University of Louisville had strong support in the General Assembly and was being viewed in a statewide perspective.

SB 41, another 1972 measure, changed membership on the institutional governing boards. The governor had been automatically chair of the University of Kentucky's board with the superintendent of public instruction the chair of all the others. SB 41 removed them and mandated that each board elect

its own chair. The number of lay members on the University of Kentucky's board was expanded from 12 to 16, and the boards at the regional colleges and the universities expanded from 6 to 8. All members were to be appointed by the governor (Wilson, 1972, p. 14). House Bill 24 prohibited legislators from serving on any governing boards. The 1972 General Assembly, from its legislation, clearly favored lay boards with little potential conflict in day-to-day governance because of having on boards members from the legislative or executive branch of the state.

In summarizing this active legislative session, Wilson (1972) stated:

And unlike past sessions of the Kentucky Legislature, where influential university presidents and cooperative governors usually maintained an education status quo or reached amicable compromises, the presidents were noticeable only by their absence in Frankfort this year (p. 9).

Senate Bill 262 authorized a tuition program for students at private colleges. The program was assigned to the Higher Education Assistance Authority.

1973, with the General Assembly not in session, marked a time for the Council of Public Higher Education to begin implementing the 1972 legislation increasing its scope.

The 1974 legislative session was dominated rather frenetically by one major higher education issue--whether to establish a state school of veterinary medicine. The issue quickly became a much broader test of who had the authority to determine program needs for higher education in Kentucky--



the institutions or the Council. Based on the 1972 legislation, the Council was supposed to determine needs and review and approve new graduate and professional programs.

The bill, known colloquially as the Murray State Vet Bill, had surfaced in 1973 when Murray State officials acknowledged that they were assessing the statewide needs for a veterinary school with the intention of locating the college on their campus. According to Wilson (1974):

Before the issue was finally resolved, it had aroused the recently-dormant regional competition for higher education programs and provoked a serious threat to the newly-emerging coordinating and planning role of Kentucky's state Council on Public Higher Education (p. 11).

A state assessment had been conducted by the Council, but the Council had made no recommendation either positive or negative before the legislative session. The Murray State Vet Bill was filed early in the session, followed by the Council's report that Kentucky did not need its own school of veterinary medicine although it did need additional veterinary services. The council suggested two options instead of a new school: increasing the number of slots for Kentuckians in the contract program managed by the Southern Regional Education Board and utilizing more veterinary technicians when appropriate. Supporters of the bill then contended:

The education council's review and approval for location of a veterinary school at Murray was unnecessary. They contended that authority for creation of a new professional school was ultimately a legislative responsibility (Wilson, 1974, p. 12).

The University of Kentucky entered the fray in opposition to the bill, much to the fury of the bill's supporters who accused the University of "selfishly meddling in the issue" (Wilson, 1972, p. 12).

The Vet Bill passed the Senate, seemingly with an implied reversal of the authority allotted to the Council in just the previous session. Before the bill progressed to the Senate, western Kentucky legislators, according to Wilson (1974), were offering to exchange their votes on practically anything for yes votes from those in other areas of the state. The Vet Bill had quickly become a pork-barrel bill.

In the meantime, the Council acted in a special meeting. It requested the General Assembly not to make a decision until the 1976 session. The request was granted, and an interim legislative committee was charged with studying the issue further (Bevre, 1974, p. 247).

The other bills of note did not pass into law. One defeated bill attempted to limit to two terms membership on the governing boards and to place student members on the Council. Another defeated bill of note was HB 260, which would have authorized the Council to standardize course numbers and descriptions throughout the state.

In fiscal matters, the Council developed and submitted a unified budget, which was approved. The Council itself received a sizable increase so that it could expand its efforts "toward program evaluation, facilities management, model-building and simulation techniques, financial planning

and implementation of the area health education programs" (Bevre, 1974, p. 247).

During 1975, the Council continued work on a comprehensive, long-range plan for higher education. Phase One was scheduled for presentation to the 1976 General Assembly. One positive note was the inclusion of the independent colleges in the planning process. A "1202 Commission" was established. Committees were also set up by the Council to assess legal education, engineering education, and agriculture programs (Bevre, 1975, p. 59).

The controversial veterinary issue was diffused before the 1976 General Assembly convened. The governor announced that he had not been personally convinced that Kentucky needed its own school of veterinary medicine; therefore, he promised not to sign any appropriations to plan one (Wilson, 1974, p. 32).

The 1976 General Assembly considered only 36 higher education bills, passing 12 of them. One bill filed but not passed would have transferred the University of Kentucky's Jefferson Community College located in Louisville to the control of the University of Louisville. Another bill, in similar tone with a similar result, would have reorganized the community colleges under a governing board of their own, rather than all of the state's community colleges' being under the supervision of the University of Kentucky (Wilson, 1976, p. 30).

After the controversial 1974 session, no bill was passed either strengthening or weakening the Council's authority. One bill considered would have empowered the Council to designate primary service regions for each state institution; it died in committee.

In one example of what could be termed a small power play, a bill passed the Senate that would have required the state institutions to file with the Council a list of personnel's salary and fringe benefits. The bill died in a house committee, provoking charges from its sponsor that the death was at the hands of the university presidents (Wilson, 1976, p. 32).

In fiscal matters, the budget proposed by the Council to the Governor and then recommended by him to the legislature, passed unanimously. Higher education appropriations increased by 26.7 percent, primarily to assume full funding for the University of Louisville and to make changes necessary in the conversion of Northern Kentucky State College into a university.

The Council on Public Higher Education's master plan, Phase Two of their long-range planning effort, was targeted for presentation to the General Assembly in 1978. Wilson (1976) quoted one anonymous legislator as summarizing the 1976 General Assembly's current reactions to the Council; the legislator said, "I think the legislature has adopted a wait-and-see attitude on the council's performance and that

attitude is directly related to the quality of its master plan" (p. 33).

During 1977, work continued on four activities of the Council. In the comprehensive planning process, the Council first developed a mission statement for higher education and then a policy statement "calling for a higher education system in Kentucky made up of institutional components, each with a distinct mission, to collectively meet the state's needs" (Bevre, 1977, p. 61). Then the Council proceeded to assign a specific role to each institution. Second, the Council refined its program approval process by establishing a registry of degree programs. To list a program in the registry, one must submit "the role and scope of the institution's capability to offer it and the resources available or required to support the program" (Bevre, 1977, p. 61). Third, the Council developed a process for coordinating off-campus courses to avoid duplication. A fourth activity was the cooperative development with the institutions of a formula funding technique to be used in preparing budget requests for 1978-1980.

One important governance study begun in 1976 was in response to the community college question. According to Bevre (1977), the study "involved a survey of community college activities in Kentucky, as well as other selected states, and consideration of alternatives to the current governance structures in Kentucky" (p. 62).

The 1978 General Assembly focused on elementary and secondary education with little action on higher education. Wilson (1978) reported "A record budget was adopted; very little restrictive legislation was proposed, and none was adopted" (p. II-1). Few bills recommended even dealt with higher education because, according to the governor, "I guess, for one reason, the golden age of growth has essentially levelled off" (Wilson, 1978, II-1).

The primary complaint against higher education was from rural legislators who were concerned that the state's medical and law schools were not meeting needs for doctors and lawyers in their areas. One bill proposed that the professional schools proportion their admissions among the state's congressional districts. An amended version proposed the Council determine an equitable admission criteria, but the bill, opposed by the Council, died in a Senate committee. However, the Area Health Education System, a program already administered by the Council, had been established to help solve the shortage of rural medical professionals. A final attempt at least to respond to the need was a resolution "to study the problems rural Kentuckians have in admissions to medical, dental, and law schools" (Wilson, 1978, p. II-5).

The 1978 Kentucky General Assembly, in a bill that will eventually affect higher education, passed The School Improvement Act, mandating competency testing for students in the third, fifth, seventh, and tenth grades.

The 1977 Task Force on Education completed its report, but few recommendations concerned higher education. Wilson (1978) reported, "Task force members apparently felt that a revitalized state Council on Higher Education was properly overseeing most activities on the college and university campuses (p. II-2).

In fiscal matters, the operating budget for higher education was increased by 19 percent with an additional \$3 million to be allocated by the Council for enrollment increases, program improvement, and salary adjustments (Wilson, 1978, p. II-3). The Council also exercised its power in the area of capital construction by withholding its approval of state funding for the proposals submitted by the institutions, "its first such action since it has had the authority to make recommendations on public campus construction" (Bevre, 1978, p. 65). The Council was awarded \$15 million in capital construction money to distribute to the institutions, primarily for eliminating physical barriers to the handicapped, energy conservation, and fire safety projects (Bevre, 1978, p. 65).

One higher education bill related to governance that passed awarded to the Council more authority over the creation of new programs. The bill expanded the Council's program-approval authority to the baccalaureate level.

Two familiar higher education bills once more failed to gain passage. One proposed adding both a voting student and a faculty member to the council. A second bill, which would

have established a veterinary school at the University of Kentucky, was not even considered.

One Kentucky initiative into regional cooperation was threatened. Western Kentucky University had been admitting undergraduates from three Tennessee counties and classifying them as Kentucky residents for fee purposes; Tennessee had a reciprocal program. Then from 1974-1977, Murray State University had conducted a similar program with Tennessee in five counties and in 1978 had expanded, with Council approval, to Missouri, Illinois, and Indiana counties within a 100-mile radius. The proposed bill would have required all non-Kentucky residents to pay the same tuition, but it received little consideration (Wilson, 1978, p. II-6).

The Council completed its community college review. Findings from A Study of Community Education in Kentucky focused on a lack of coordination and statewide planning for the community colleges (Morford and Bell, 1977, p.26). The first recommendation for the report (Morford and Bell, 1977) stated

that a separate unit be established within the Council on Higher Education to provide for overall coordination and statewide planning for community college education. This unit would be responsible for coordinating and planning with both the University of Kentucky Community College System and the four-year universities (p. 31).

Its most significant contribution for this study endorsed the 13-campus community college system and recommended it continue to be governed by the University of Kentucky.

During 1979, Kentucky was the subject of a survey by the U.S. Office for Civil Rights to determine if Kentucky would have to develop a desegregation plan for higher education.



The General Assembly was called into special session in January of 1979 by the lieutenant governor when the governor was absent from the state. The lieutenant governor wanted budget cuts and tax relief, proposing a replacement of lost state income from tax cuts with surplus funds. In the maneuvering, the Council had \$700,000 slashed from its unexpended funds, funds that the Council planned to allocate to the universities that experienced growth for necessary program improvement and development.

One major law of the special session tied capital construction funds to specific projects, eliminating the governor's prerogative of shifting funds from project to project. Wilson (1979) reported:

The new law, which goes into effect in 1980, requires that construction projects be specifically listed in the governor's proposed budget when it is submitted to the legislature. Requested appropriations for each biennium must be specifically tied to every project, the projects must be justified and the estimated costs, source of funding, and expected completion date must also be listed. Proposed costs for land acquisition, utility installation, building furnishings, and major purchases must also be specified (p. 7).

The legislature in the last session of the decade obviously wanted both more control and more accountability in an expensive area and one fraught with political possibilities.

### Conclusion

The Kentucky Council on Public Education did not prevent Kentucky's system of postsecondary education from becoming

embroiled in legislative fights and regional conflicts. However, during the 70s, the Council through the legislative process gradually added to its responsibilities until by the end of the decade the Council was in a position, in terms of program and construction approval and planning mandates, to provide significant leadership for Kentucky.

### Louisiana

Louisiana has shifted rapidly from a state with two systems of postsecondary education, each with a governing board, through a Louisiana Coordinating Council for Higher Education, established in 1968, to a state Board of Regents, established in 1972 to coordinate and govern the two systems as one.

### Background Information

The Louisiana Constitution set up the two systems of higher education but did not invest either with constitutional autonomy (Chambers, 1970, p. 164). The Board of Supervisors governed the Louisiana State University system, which included the main campus at Baton Rouge, one large branch, three small branches, and two medical centers. The Louisiana Constitution of 1921, article XII, section 7, as amended in 1940 stated that Louisiana State University "shall be under the direction, control, supervision and management of a body corporate to be known as the Board of Supervisors of Louisiana State University

and Agricultural and Mechanical College." The State Board of Education governed the other state institutions, which included Southern University with a main campus and two branches, and eight regional universities.

The 1946 legislature had charged the governor with appointing a "Special Education Committee" to study education in Louisiana. The committee recommended the creation of a "Board of Control of State Colleges and Special Schools" to govern the state colleges and that the three governing boards voluntarily form a State Coordinating Council on Education (Chambers, 1970, p. 167). The first recommendation was not accepted, but the second, creating the Coordinating Council as liaison between the two boards, was adopted. However, the Council had its problems. Chambers (1970) reported from a 1958 Special Report of Joint Legislative Committee on Higher Education that criticized the Coordinating Council and offered this recommendation for the creation of

a Board of Regents for all institutions of higher education, to serve as the governing board for the state colleges and as a coordinating council for these state colleges and Louisiana State University, thus unifying the administration of higher education (p. 167).

After several other unsuccessful efforts at imposing more coordination, the legislature passed a constitutional amendment authorizing an agency "of liaison, planning, and coordination"; the amendment was then accepted by the Louisiana voters. Thus, Louisiana began the decade of the 70s with its postsecondary education under the guidance of the Louisiana

Coordinating Council for Higher Education, with 15 members: one from each board and 13 lay members, appointed by the governor for six year terms. The Council was charged with the approval of new institutions or degree programs and with the preparation of a "master plan for coordination, development, and organization of public higher education" (Carnegie Commission, 1971, p. 129). The authority for the Council derived from Louisiana Revised Statutes, Chapter 2, Section 3081-3090.

#### Legislative Narrative

The Louisiana Coordinating Council for Higher Education began in 1969 to implement its charge. The Council, for example, developed an instrument and guidelines for the approval of new degree programs. The Council also started the master planning process, deciding to utilize consultants as well as educators from Louisiana schools. In 1970, exercising its authority, the Council awarded university status to Louisiana Polytechnic Institute, but recommended against changing Louisiana State University at Shreveport from a two-year to a four-year college until completion of the master plan (Bevre, 1970, p. 63).

Basically, the Council maintained the status quo while it continued studies and projections and reports for the completion of the master plan.

The 1971 legislative session in Louisiana illustrated political maneuvering typical of the state. The governor cut

three percent across the board from colleges and universities, or about \$3.5 million, in order, according to Price (1971), to cover a portion of the \$30 million in "election year projects" funded by the legislators (p. 33). In counterpoint, Louisiana State University's Board of Supervisors recommended a fee increase. The appropriations cut was especially difficult to absorb because it came at time of both enrollment increase for Louisiana State University and the projected 1972 opening of a college of veterinary medicine. The reduction left Grambling College and Southern University, the two predominantly Black institutions, with less money than they had received the previous year (Brevre, 1971, p. 34).

One other bill of note would have authorized East Baton Rouge Parish to establish a 14-year high school, as an alternative to junior college. The move had not been recommended by the Coordinating Council for Higher Education and was defeated.

The 1972 session produced a major change in the governance of postsecondary education in Louisiana by the establishment through statute of a Board of Regents to govern all the public colleges and universities. The proposed legislation was for an appointed board, but the final legislation, after much opposition, was a compromise (Act 712). The Board of Regents was to become effective with 37 members, comprising the nine members of the Coordinating Council for Higher Education, the 14 members from L.S.U.'s Board of Supervisors, and 11 from the

State Board of Education. The Board of Regents would eventually be composed of 16 members, eight elected from congressional districts and eight appointed by the governor from congressional districts (Bevre, 1972, p. 46). The Board of Regents was approved for a January 1, 1974, implementation date.

Chambers (1974) discussed the opposition of most of the university community to this single board. He commented, "The transition period, with an unwieldy board being an amalgam of three lame-duck boards, and much confusion and uncertainty was not a happy one" (p. 114).

Although the original L.S.U. Board of Supervisors was in the constitution, another section empowered the legislature to reorganize any "board or commission constitutionally created" (Bevre, 1972, p. 47). Thus, the legislature considered itself empowered to mandate such a substantive change. The Louisiana State University Board of Supervisors thought differently, and the courts agreed. In Student Government Association of LSU v. Board of Supervisors (262 La. 849, 264 So. 2d 916, 1972), a case filed to determine if the University could impose traffic fines, the Court affirmed the Board of Supervisors' authority. In Roy v. Edwards (La. 294 So. 2d 507, 1974), the Court again affirmed the authority of the Board of Supervisors. The Court ruled the 1972 action of the legislature in arbitrarily establishing the Board of Regents to replace the Board of Supervisors was unconstitutional. An injunction was then issued to prohibit implementation of the legislation.

Other legislation occurred in addition to reorganization. The Coordinating Council in 1972 proposed six bills to implement the master plan. Three failed, and three passed. One of the latter three authorized the Council to approve or disapprove new departments of instruction within colleges and universities.

In fiscal matters, the institutions of higher education ended up, after supplemental appropriations, with increases of 4.8 percent. Rumblings indicated a legislative need for further budgetary control. Price reported that:

several legislators criticized university administrators for their use of self-generated and federal funds which do not come under state budgetary control, and several indicated they plan future legislation to force all such revenues to be considered in budgeting (p. 48).

Another proposal, which was defeated with higher education lobbying, would have halted construction on university campuses. Subsequently, a bond issue to build the veterinary college was approved.

Other proposals indicated a legislative need for more standardization. For example, a bill to establish a salary schedule for college faculty was considered but died in the Senate education committee.

As a seeming afterthought, the Legislature, in addition to reorganizing higher education, charged a committee with developing a new education code and investigating higher education, among other areas of educational concern.

Louisiana's Constitutional Convention began meeting in 1973 with the intention of presenting a new or drastically

revised constitution to the voters in 1974. Whatever occurred in the 1972 or 1973 legislative sessions, such as the Board of Regents legislation, would be affected by provisions in the new constitution related to statewide governance of education. The Coordinating Council for Higher Education concluded the fourth report of its short life with this paragraph:

The next year will undoubtedly bring change in higher education in Louisiana, either through provision of a new constitution or through the implementation of the Board of Regents as mandated by the 1972 legislature. This, the fourth annual report of the Louisiana Coordinating Council for education, may be the last (Bevre, 1973, p. 51).

During the 1973 session, higher education received an increase in operating funds of 7.3 percent. Basically, that amounted to 9.8 percent for Louisiana State University and 4.6 percent for all other institutions (Price, 1973, p. 3). One controversy between legislature and institution was the result of a legislative provision requiring out-of-state students to pay in Louisiana colleges the same fee that Louisiana students would pay in the out-of-state students' home states. The attorney general was requested to rule on whether these fees had to be collected. Price (1973) reported that at LSU, student and faculty groups organized to fight the new law (p. 4). Another blow to the institutions was the change in a bill authorizing an \$8000 pay raise to all college presidents in the state. The raise was passed with the amount reduced by half; the Legislature then provided only half the money



necessary to pay the raises (Price, 1963, p. 4), adding insult to injury.

In 1972, legislation had been passed to make effective the Board of Regents on January 1, 1974. The Senate in the 1973 session voted unanimously to suspend the implementation date until 60 days after the constitutional convention. However, that bill was defeated in the House. The Senate had based its reasoning and overwhelming approval on the fact that the constitutional convention had recommended including in the new constitution provision for a single board system for Louisiana higher education with each institution's having a board to govern "within guidelines set by the state board" (Price, 1975, p. 4).

The constitution was adopted on April 20, 1974, to be effective January 1, 1975, providing in Article VIII for a Board of Regents with 15 members appointed by the governor. The Board of Regents would coordinate and plan for higher education with three other higher education sub-boards mandated by the constitutions: the Board of Supervisors of the Louisiana State University System, the Board of Supervisors of the Southern University System, and the Board of Trustees of State Colleges and Universities, with members appointed by the governor. These sub-boards would manage the daily operations of the institutions (Bevre, 1974, p. 248).

LA HB 52 Act 313 1975 defined the roles of the governing boards: Louisiana State University Board of Supervisors,

Southern Board of Supervisors, and the Board of Trustees for State Colleges and Universities, and these boards' relations to the Board of Regents. Beckham (1978) stated:

While no judicial decisions have clarified the relationship between the Louisiana Board of Regents and the Louisiana Supervisors, rulings of the Louisiana Attorney General have contended that the constitutional provisions concerning higher education vest Louisiana's institutional governing boards with authority over the day to day management of the respective institutions of higher education and establish the Louisiana Board of Regents as the higher level executive board constitutionally vested with power to plan, coordinate, and budget for all public higher education (p. 79).

The educational governance provision in the constitution was a compromise position because of the struggle between Louisiana State University and the other colleges and universities. According to Price (1974), L.S.U. supporters wanted to maintain the Board of Supporters as a constitutional entity, fearing that any change would endanger the university's status (p. 19). After deciding to retain a board for L.S.U., then the Southern University system wanted its own board. The other colleges comprised the constituents of the new sub-board. Price (1974) maintained that the legislature had retained for itself latitude, in addition to the constitutional provision, to determine specific powers and duties of the boards and "political infighting between colleges and universities could greatly influence the future course of higher education in the state" (p. 20).

The 1974 session marked the first use of a funding formula developed by the Coordinating Council, remaining in

operation until 1975. After a three percent increase to all institutions, the formula was applied to determine the distribution of additional money. The Coordinating Council continued its authority in program approval. Of the 51 requests, 19 were disapproved (Bevre, 1974, p. 248).

In an effort toward regional cooperation, 12 of the 36 students admitted to the first class at Louisiana State University School of Veterinary Medicine were from schools in the region under the Southern Regional Education Board's contract program.

In 1974, Louisiana was sued by the federal government on a charge of maintaining a dual system of higher education. The government requested the court to enjoin the defendants from "maintaining and perpetuating racial dualism in the state-supported system of higher education" (Bevre, 1974, p. 249). Louisiana requested a delay until 1975 when the new governance system mandated by the 1974 constitution took effect. Price (1974) reported:

Little legislative attention was paid to the problem of a unitary system in higher education resulting from predominantly black and predominantly white institutions. Nothing was done since the state's attorney general was forwarding in court the legal argument that the present system is constitutional since persons of any race may enroll at any state university of their choice (p. 19).

HB 37 Act 179 changed Grambling College to Grambling State University. The Coordinating Council took two other positive steps toward dismantling that so-called dual system. Cooperative programs in early childhood education between

Delgado Junior College and Southern University and in systems science among L.S.U.--Baton Rouge, Southern University--Baton Rouge, and the University of Southwestern Louisiana were approved. Bevre (1974) reported cooperation in areas of faculty exchange, cross-registration of students, and cross-listing of courses (p. 249).

The 1975 session was the first under the Board of Regents super-board system in Louisiana. The legislature added \$22 million to the institutional operating budgets. Funds were distributed based on the Board of Regents' student credit hour formula with some deviation. L.S.U., for example, received additional funds. This session was the first to have a unified budget for all public higher education presented to the legislature. The Board of Regents now had "constitutionally mandated budgetary responsibility" (Bevre, 1975, p. 59).

Louisiana State University was also the cause of another problem during 1975. Although a new football stadium was only number six on L.S.U.'s capital improvement priorities, L.S.U. received \$5 million for additions to Tiger Stadium, when classrooms were the real need.

The Board of Regents, after studying the issue of tenure policies, proposed a single statewide tenure policy be adopted for public higher education in Louisiana.

After the adjournment of the legislature, the Board planned during its first year to

direct its energies to the development of a comprehensive state plan for Louisiana higher education during the remainder of the seventies, revision of the state appropriation formula and the establishment of a data base sufficient to support necessary decision making (Bevre, 1975, p. 60).

Fiscal disagreements highlighted the 1976 session. The legislature appropriated \$13 million more than the previous year, but that was still \$18.8 million less than what the Board of Regents had recommended and 81.6 percent of what the formula determined (Price, 1976, p. 59). After the session, the Board urged that the sub-boards establish an increase in tuition and fees. In addition, the legislature did not fund a capital outlay bill, although the Board of Regents had requested \$37 million.

The Board of Regents began its master planning process, targeted for completion in 1977, and conducted feasibility studies regarding the expansion of educational opportunities. The Board recommended against building an optometry school, for permitting nationally accredited proprietary schools in Louisiana to award degrees, and against converting L.S.U. at Alexandria into a four-year college.

The legislature in 1976 fell into a pattern of not confronting educational problems and issues. Instead, they opted for studying the problem, always an easier choice. In 1976, for example, 20 legislative studies were authorized in higher education. Two studies were noteworthy: LA Study 1976 authorized a study of the need for a maritime school in New Orleans; LASCR 68 1976 authorized the Board to study the feasibility

of reciprocal arrangements with neighboring states to provide additional educational opportunities and access.

LA HB 727 Act 491 1976 legislated changes in Louisiana's method of support for private institutions. It retained the maximum of \$125 per student for residents, but added a provision that no institutions recommended could use any of these funds for religious or athletic purposes.

In a session quite different in fiscal matters from 1976, the 1977 legislative session increased higher education appropriations by 11.9 percent and funded \$150 million in capital outlay. The Board of Regents had requested \$3.9 million to operate the new veterinary school and received exactly what had been requested. According to Price (1977), "almost 100 percent of requests for repairs and renovations won approval along with new projects on almost every campus (p. III-6). In a special session, pay raises of \$1500 for college teachers were awarded.

A bill proposing to tamper with the 1975 constitutional provisions for education was considered but not passed. The bill was to remove the constitutional autonomy from the governing boards of higher education because of a perceived overlap in responsibilities and an unwieldy structure. Those who urged sufficient delay to ascertain if the state system of boards would actually work were victorious.

Price (1977) reported that, "Once again, the legislature sidestepped any direct confrontation with higher education issues, preferring generally study approaches to direct action"

(p. III-7). Directing groups or committees to study issues is not in itself a problem if the legislature follows through and acts on the recommendations generated, but "little or no substantive legislation in the 1977 session could be traced to those interim legislative studies" (Price, 1977, p. III-8).

Appropriations for higher education in the 1978 session increased 18 percent, calculated on the Board of Regent's enrollment based formula. The use of this formula led to an unsuccessful effort on the part of Louisiana State University and its supporters for additional research and development funds "with the arguments that L.S.U. should be the major university and such programs go undeveloped under a straight formula basis" (Price, 1978, p. II-29). The argument, however familiar, went unheeded.

The legislature did not appropriate money for a faculty pay raise. To circumvent that failure, the L.S.U. Board of Supervisors increased student fees and tied those funds directly to a cost-of-living increase in faculty salary.

In the period between sessions, the Board of Regents had been active in its charge to review programs. During 1977, the Board had examined doctoral degree programs, with emphasis on duplicate programs. Based on a consultants' report:

The regents recommended that 18 of the duplicative programs be terminated, that 7 be commended for excellence and that the remaining 38 be maintained and strengthened. In addition, the regents established a consortium for doctoral programs in education comprised of Northwestern and Louisiana State Universities and the University of New Orleans (Bevre, 1978, p. 64).

Legislators from areas whose institutions had been affected by this review proposed a bill to require a hearing on each campus before any final decision. Price (1978) reported that the "measure failed to pass but was debated extensively on the House floor and returned to the calendar after assurances that Regents would be careful to get testimony from everyone concerned prior to issuing an order" (p. II-30). Thus, the Regents' authority and power in program review were confirmed and reinforced.

LA SB Act 135 1978 created the Governor's Special Committee on Educational Services. To this committee were transferred the duties of the Louisiana Higher Education Assistance Committee; the Board of Regents were never involved managerially in this assistance program.

Once more, in the 1978 session, the legislature either killed most higher education issues or postponed action indefinitely by assigning them to interim study groups.

In 1978, the Louisiana State Board of Regents published The Master Plan for Higher Education in Louisiana. The plan reviewed the history of education in Louisiana, provided data, and then developed role, scope, and mission statements for the postsecondary institutions. The plan also recommended the state bring undergraduate education to the citizens, with emphasis on access and choice (Master Plan, 1978, p. 35). One significant recommendation for planning was the establishment of five regional councils for cooperation, a recommendation



implemented in 1978. The Board continued its strong approach to two unpopular tasks: review of programs and establishment of new institutions. It began a review of nonduplicated doctoral programs and recommended against building a community college in St. Tammany Parish because another college "would have adverse effect on existing colleges and universities and would unnecessarily strain an already limited state higher education budget" (Bevre, 1979, p. 69).

The 1979 legislature marked a landmark session on which to end the decade. Appropriations for higher education increased by 18.3 percent, salaries by 10 percent, and capital allocations doubled (Price, 1979, p. 65).

Another positive step was the creation of the Louisiana Universities Marine Consortium for Research and Education (LA HB 682 Act 557 1979). Also known as the Wetlands Consortium, it was an effort of higher education backed by legislative funding to solve state problems (Price, 1979, p. 65). Also established was a program providing for the universities to furnish technical assistance to the legislature at no cost, another cooperative venture. And, finally, HB 692 Act 559 was passed, authorizing the Board of Regents to provide a research and development program to encourage basic research to promote the advancement of the state.

### Conclusion

A quotation from Louisiana's Master Plan offered a fitting conclusion to the legislative narrative of the state. The planners wrote:

Planning is a necessary but risky endeavor. Planners must be sensitive to change and prepared to respond to it. Undoubtedly there are many matters other than those identified in this document which will require attention in the future but cannot be anticipated at this time. The Board of Regents will continue its efforts to identify the problems which will face higher education and will continue to participate vigorously and constructively in seeking solutions to those problems (p. 52).

### Maryland

For the first six years of the decade, Maryland's diverse and independent system of postsecondary education was coordinated by the Maryland Council of Higher Education. For the last four years, it was coordinated by a State Board of Higher Education, with considerably more authority.

### Background Information

In 1960, the Governor's Commission to Study the Problem of Expansion of the University of Maryland recommended a re-vamping of the educational facilities in the state. For example, the 1960 Commission recommended consolidating education by converting three extant state colleges into branches of the University of Maryland and expanding education by establishing three other institutions of a similar type in areas of the state lacking educational access. The report was virtually ignored.

A second commission, with a similar name, the Commission on the Expansion of Public Higher Education, reported in 1962 on Public Higher Education in Maryland, 1961-1972 (Chambers,

1970, p. 176). Convinced of education's growth in the next decade and the economic necessity of educational opportunity, the Commission approved this organization for higher education: a Board of Regents for the University of Maryland, a Board of Trustees of the State Colleges for the six state colleges, and the Board of Education to continue over the community college system. In 1968, a separate State Board for Community Colleges was established.

The other aspect of this organization as recommended by the Commission was the Advisory Council for Higher Education, comprised of representatives from each of the governing boards. The Council, created by statute in 1963, was abolished the next year. In 1964, a new Council, with the same name, was established by statute with nine members appointed by the governor with the approval of the senate. The long-range planning challenge to the Council was "the preparation of programs for the orderly growth and overall development of the...public higher education" (Carnegie Commission, 1971, p. 144).

In 1968, the Council was renamed the Maryland Council for Higher Education, and four members were added, each to be a representative of the four different higher educational components in the state, including the private colleges.

Zwingle and Rogers (1972) reported these responsibilities of the Maryland Council for Higher Education:

1. Prepares programs for the orderly growth and overall development of higher education;

2. Investigates higher education needs and presents plans and recommendations for establishment of new facilities and programs;
3. Studies and advises regarding statewide coordination;
4. Compiles and evaluates data and information;
5. Conducts studies as may be directed by the Governor or the general assembly;
6. Submit annual reports to the Governor and the general assembly (p. 17).

The Council was designed to be strictly advisory. Statutes establishing the Maryland Council for Higher Education were Annotated Code for Maryland, Article 77A, Section 28-32.

One issue that recurred in the narrative of Maryland's General Assembly during the decade of the 70s was aid to private and parochial colleges. Maryland's constitution did not prohibit direct appropriations to private or denominational colleges or universities. In Johns Hopkins University et al. v. Williams, 199 Md. 382, 86 A. 2d 892 (1952), the court supported the state in its decision to sell state bonds with the proceeds awarded to Johns Hopkins, a private institution. In another case, Horace Mann League v. Board of Public Works of Maryland (Court of Appeals, June 2, 1966), the court ruled aid to one college was valid because its religious connection was tenuous but aid to the other three was unconstitutional. Regardless, state aid to private colleges and universities continued. Chambers (1970) reported:

The legislature of 1967, apparently in disregard or defiance of the foregoing Court of Appeals decision, made small appropriations for annual operating expenses to 12 private and denominational universities and colleges, including the Johns Hopkins University,

all 4 of the colleges involved in the litigation... and 3 additional Catholic colleges that had not been subsidized before (p. 182).

### Legislative Narrative

The Council for Higher Education, strictly advisory, recommended to the 1970 General Assembly statutes to strengthen itself in its planning and coordinating charges. But "the proposed legislation, together with most other legislation affecting higher education, took a back seat" (Bevre, 1970, p. 64).

Two successful measures, however, were the creation of a Health and Higher Education Facilities Authority, with the ability to make loans to private colleges, and a bill changing the formula for providing capital funds for junior and community colleges. One bill related to governance granted two counties separate boards of trustees for their community colleges.

The 1971 Maryland Council General Assembly continued its tradition of aid to private and parochial institutions. For 1972, \$1.9 million was earmarked for these non-public institutions by legislation requiring that the Board of Public Works would pay \$200 for every associate of arts degree and \$500 for each bachelor's (Woodfield, 1971, p. 3).

The state also assumed more of the community college cost by adjusting the formula, Woodfield (1971) reported. The state would pay 50 percent, the counties 20 percent, and the students 20 percent (p. 5).

During 1971, the Maryland Council pursued recommendations for implementing the Master Plan for Higher Education, Phase I. These recommendations included: allocating capital funds to complete the state's educational television network, adopting formula budgeting, studying financial problems of private colleges, distributing enrollment to achieve balance, changing institutions to meet state needs, and placing the one remaining state institution into the state's higher educational system.

Woodfield (1972) reported that "the 1972 Maryland General Assembly was more notable for the educational measures it killed than the ones in enacted" (p. 26).

Once more, reorganization was on the agenda--at least, the governor's agenda. Bevre (1971) reported:

In his "State of the State" message, Governor Marvin Mandel asked the legislature to consider "the complete reorganization of education in Maryland--from our primary schools through our colleges." He indicated that he would appoint a joint legislative executive task force to study and submit recommendations for this reorganization (p. 104).

The General Assembly in 1972 did approve an enlargement of the responsibilities of the Council by amending the original statute (HB 674) to include these tasks:

1. Coordinate the growth and overall development of higher education in the state.
2. Investigate and evaluate the needs throughout the state for undergraduates, graduate, adult education, professional and technical training, research facilities, and present plans and recommendations. . . for major alterations in existing programs or facilities.

3. Recommend all new degree programs at the doctoral, masters, baccalaureate, associate levels at public institutions of higher education.
4. Set standards to be followed by the public institutions of higher education for reciprocal acceptance of credits earned by students transferring between institutions.
5. Develop plans and programs for interstate and regional cooperation and reciprocal agreements in higher education.
6. Study and make recommendations regarding the coordination of state and federal support of higher education (Woodfield, 1972, p. 30).

Perhaps the most interesting legislative attempt of the session was the scholarship bill. In the past, the state senators controlled \$2.5 million in scholarship money to be awarded as each pleased. A bill was introduced to replace this system, which favored political allies and relatives, with a grant program at each college to be awarded based on individual need. The bill died in the House at the very end of the session.

One other fiscal bill that also failed to pass but illustrated the legislative--institution conflict was one to eliminate the student activity fees. The prime motivation for this action, according to Woodfield (1972), was "because of a so-called pornography contest sponsored last year by the University of Maryland's literary magazine, 'The Argus,' which is supported by such fees" (p. 27).

The 1973 session, according to Stuckey (1973), was "devoid of any sweeping new legislative programs in the field

of higher education" (p. 8). However, some interesting legislation related to governance and overall educational control was introduced.

The legislators had their collective feathers ruffled because the University of Maryland had purchased on its fiscal authority an expensive home for its chancellor and had exchanged some of its land with a power company. The University of Maryland had unique fiscal authority, meaning it did not have to ask for legislative approval for such actions. According to Stuckey (1973), the incident also provided a rallying point for members of the General Assembly "who had for some time been unhappy with what they considered to be the cavalier attitude of top university officials toward the legislature" (p. 9).

Consequently, a bill was introduced to place the institution, which had been freed from such budgetary constraints 20 years previously, under normal budgetary procedures. The bill was reported out of committee and passed on a second vote in the House, but it never was even voted on in the Senate.

In other legislation related to governance, a student member was added to the State Board of Community Colleges.

The 1971 legislation to aid private and parochial colleges was broadened by adding graduate degrees to the formula. The Council had recommended that awards to private institutions be based on student enrollment rather than degrees (Bevre, 1973, p. 52). The constitutionality of the legislation authorizing such fiscal support was questioned in Roemer et



al. v. Board of Public Works (426 U. S. 736, 96. S. Ct. 2337, 49 L. Ed. 2d. 179).

In Roemer, the court theorized, according to Alexander and Soloman (1977), that "if a school is not pervasively sectarian or completely sectarian, then the state may provide public funding for the secular aspects of the educational program" (pp. 7-8). Under Md. Ann. Code, Art. 77 A (65-69), Maryland awarded noncategorical grants to private colleges, some parochial, with the only stipulation that the money could not be used for sectarian purposes. The plaintiffs contended that such subsidy of public funds was unlawful. In upholding the District Court on appeal, the Supreme Court agreed that the institutions were capable of separating secular and religious functions.

The major positive accomplishment of the session was the state's acquiring the University of Baltimore. This private college, having undergone a financial crisis, had requested the state to provide assistance. Beginning with an attempt to retain the University's private status but with state program funds and shared governance, the final bill recommended the college become one of the state colleges under the auspices of the State Board of Trustees of State Colleges (Bevre, 1973, p. 52).

The 1974 General Assembly was another holding session, primarily because the Governor's Commission on the Structure and Governance of Education in Maryland, which began its project in 1973, was targeted to submit its final report to the

1975 session. Session (1974) commented that "there is a general inclination in the State House to postpone any extensive changes of the educational system until then" (p. 23).

Once again, as in 1973, the budget procedure of the University, or rather the University's independence guaranteed by statute in budget matters, was called into question; because of the University's fiscal autonomy, the General Assembly could be little more than a rubber stamp, and that passive role caused increasing resentment. For 1974-1975, as an example, the Board of Regents proposed to increase the fixed fee for all students, both in-state and out-of-state. Two legislative committees recommended that the legislature request the regents not to increase tuition for students. Instead, the legislature requested that the savings from a budget maneuver be used to avoid tuition increase. The Regents acquiesced, but they decided to stand firm on the out-of-state fee increase. Even though all the legislature could do in such a situation was to state its case, Stuckey (1974) reported that there was a "widespread feeling among legislators that they had made a significant move in the direction of holding the regents more accountable for the way they spend the university's money" (p. 24).

As in the 1974 session, the 1975 session voted to adjust the membership on boards. Two students with full voting rights were added to the University of Maryland Board of Regents. Bills to place students on other governing boards were defeated.

Maryland's plan for the desegregation of postsecondary education was accepted by the Office of Civil Rights. Responsibility for monitoring the plan was assigned to the Council. One result of the implementation of the plan was the appointment of a biracial task force, whose charge was to enhance the image of the predominantly Black institutions, such as Morgan State College, Bowie State College, Coffin State College, and Maryland State College.

The General Assembly in SB 668 and HB 1059 revised the method of assisting private and parochial colleges, based on the Council's recommendation. The legislature mandated that private institutions "receive 15 percent of the state general fund subsidy per full-time equivalent student provided to the public four-year colleges and universities" (Bevre, 1974, p. 251).

The long-awaited report of the Maryland Commission on the Structure and Governance of Education, expected in 1975, was not forthcoming. After 28 months of work, the Rosenberg Commission requested that the General Assembly not "enact bills affecting the structure of public education in Maryland" (Stuckey, 1975, p. 25). Significant bills were, therefore, held in abeyance.

In one reorganization move related to the image of Black institutions in the state, Morgan State College became Morgan University with its own Board of Trustees but still under the Council's umbrella. The Morgan bill was a top legislative priority of Black legislators. Another Black college, Towson

State College, became Towson University. However, Stuckey (1975) reported that "legislative skeptics grumbled that the name change was probably only the first step toward separate status and that other colleges would probably be scrambling to follow the Morgan-Towson lead" (p. 26).

SB 439 and HB 323, neither of which passed, were attempts to support the Council's recommendation that various student financial aid programs be merged into a system of student financial assistance.

The Rosenberg Commission presented its report in 1976. The Commission proposed creation of a State Board of Higher Education, a board that would have "authority to review both existing and new programs and to require that programs be abolished or revised" (Stuckey, 1976, p. 36). Under the Rosenberg proposal, each institution would have its own governing board, but the institution would lose much authority and independence. The response from colleges and universities was as expected; according to Stuckey (1976), the reaction "was uniformly unfavorable, if not hostile and at a series of public hearings around the state, the institutions raised strenuous objections to the Rosenberg plan" (p. 36). The institutions did not object to the Council's being given more coordinating power in planning and reviewing budget and programs, but they wanted the basic system, the status quo, to remain the same.

As a response to the institutions' vociferous and collective voice, the governor appointed a task force to, in

effect, make the final decision on the statewide structure. The task force was charged with recommending legislation to implement whatever sections of the report they felt appropriate. The bill (MD SB 347) drawn up by the task force was accepted by the General Assembly.

The Maryland Council for Higher Education was replaced by the State Board of Higher Education composed of 11 lay members with no members (not even students) from institutions or systems. The State Board of Higher Education was assigned responsibility for:

1. Developing and maintaining a statewide master plan
2. Reviewing capital and operating budgets for higher education
3. Establishing guidelines for tuition and fees and for faculty and administrative salaries
4. Administering the state's program of aid to private institutions of higher education
5. Approving academic programs
6. Accrediting all public and private postsecondary educational institutions
7. Coordinating and monitoring the state's desegregation efforts in postsecondary education (Bevre, 1976, p. 179).

The major shifts in centralized coordination were in three areas:

1. Drafting an overall plan for higher education, "thus giving the state its first master plan for its colleges and universities" (Stuckey, 1976, p. 36).

2. Reviewing budgets from institutions and developing a unified budget for presentation to the governor. The Board would not be empowered to reduce the budgets, but it could, after review, recommend to the governor and the General Assembly budget revisions. Stuckey (1976) contended that this authority gave to the Board considerable clout because "its recommendations would carry a great deal of weight with the governor in his preparation of the budget and with members of the General Assembly when they consider the budget" (p. 37). Thus, the institutions retained some budget power while the Board's voice would be heard clearly, yet without the power of final approval.
3. Approving or disapproving the proposals for new programs or revisions in existing programs. Without such power in program approval, the Master Plan could not be implemented. The Board was not empowered to review current programs; the Task Force said, "A review of all programs not only would be a mammoth and impractical task, but could create unnecessary uncertainty within the various institutions until it was completed" (Stuckey, 1976, p. 37).

Basically, the reorganization provided coordination with enforcement in the key areas of planning, budgeting, and reviewing new programs, while maintaining governance at the institutional or segment level.

In other developments of note to this study, the Department of Health, Education, and Welfare announced it planned to take action to eliminate \$65 million in federal funds from Maryland. Bevre (1976) reported that on January 5, 1976, the state sued HEW, and in March of 1976, the United States District Court ruled in favor of the state. HEW appealed, and a decision on the appeal was made in the 4th United States Circuit Court of Appeals.

In Mandel v. U.S. Dept. of Health, Ed. and Welfare (411 F. Supp. 542, 1976), the governor of Maryland sued HEW to prevent them from taking punitive action against the entire state of Maryland as an attempt to force desegregation of higher education in Maryland and Baltimore city schools. The District Court ruled that until HEW sought compliance through voluntary means, they could not withhold funds from state institutions and programs.

The Maryland Board of Higher Education in 1976 completed a manpower survey in veterinary medicine. This study recommended against a school and in favor of regional coalitions to resolve shortage of veterinarians (Bevre, 1976, p. 181). A similar study with similar results was prepared on optometry.

Hymes (1977) reported that other than the budget, few bills from the 1977 legislature had any direct bearing on higher education, "largely because 1976 saw such a major overhaul in structure and governance" (p. II-3).

In a relevant fiscal matter, the State Board of Community Colleges had been refunded at \$700 per full-time equivalent,

regardless of projection. The General Assembly increased the amount to \$800 with the stipulation that the enrollment must be accurately projected. Colleges would then receive that appropriation, regardless of how many extra students might enroll. So in its relationship with the legislature, the State Board of Community Colleges got a little and gave a little.

The General Assembly assigned to the State Board for Higher Education the aid to private colleges responsibility. Maryland appropriated \$5.2 million for this category, meaning that the state supported private education at 15 percent of its support for public education (Hymes, 1977, p. II-2).

Certain bills of significance to governance and coordination were the transfer of the administration of regional education arrangements to the State Board (MD HB 1958 1978), the designation of the State Board to oversee proprietary institution, (MD HB 241 1977), and the authorization for a study of the feasibility of constructing a school of veterinary medicine at Johns Hopkins.

The State Board for Higher Education proposed no major changes in 1977 since its main task was the development of the master plan to be presented to the General Assembly in 1978. According to the Board's 1977 report, there were problems with the role and mission section. The report stated:

The aspect of the role and mission issue that has received the most attention has been the designation of levels and types of programs that the institutions will offer, including the clear definition and mission assignment to each school of



some unique part of the total responsibility of higher education in the state. The complexity of the issues and the diverse interest affected has made consensus difficult and the board may have to resolve conflicting interest and values in some instances (Bevre, 1977, p. 67).

The state continued to experiment with desegregation. The State Board for Higher Education created a task force to study the consolidation of a predominantly-white, four-year college, with increasing enrollment, and a predominantly Black, branch of the University of Maryland, with declining enrollment.

Lightman (1978) reported that the General Assembly in 1978 was unique in several ways: the governor had been suspended and was not able to dominate the session, there was strong leadership from both executive and legislative branches, there was a budget surplus of \$148 million, and the General Assembly "compiled a record of achievement unmatched here in recent years" (p. II-13). Higher education, however, was definitely on the backburner.

The Master Plan was approved by the Board and presented to the legislature. The plan, to be updated annually, was to specify

the state's major goals for postsecondary education and recommend actions and studies in the areas of institutional roles and missions, enrollment prospects, academic programs, financing, operating and capital budget processes, faculty development, library development and computer services (Bevre, 1978, p. 71).

One immediate result was the defeat of a resolution proposing alternative uses of the University of Maryland's

Eastern Shore campus. A task force had recommended against the merger of Eastern Shore and Salisbury State; the Board, instead, had specified unique roles for each school.

In fiscal coordination, the Board had prepared a unified operational and improvement budget, and "the governor and the legislature followed closely the recommendations contained in the board's consolidated operating budget" (Bevre, 1978, p. 71).

Another study was authorized on the need for a college of veterinary medicine as an alternative to accepting a bill, which passed the Senate, to construct a cooperative Maryland-Virginia school (Lightman, 1978, p. II-16).

A regional educational venture was begun with West Virginia. Legislation sponsored by the Board permitted reciprocal in-state tuition arrangements. According to the Board's report:

The program had the dual purpose of increasing enrollment at a community college with nearby West Virginia students, while improving access for students in Washington County, Maryland, to four-year public higher education in West Virginia (Bevre, 1978, pp. 1).

Two bills peripherally related to this study were an enactment of a standardized testing program for grades 3, 5, 7, and 9 and a higher education scholarship program for intelligent students.

1979 not only marked the conclusion of the decade but for Maryland it introduced a new era in Maryland government--"an era of calm; of patient, rather than impulsive, action; of

openness, rather than closed-door dealings" (Lightman, 1979, p. 33).

Most legislation regarding postsecondary education occurred in fiscal matters. One controversy revolved around raises for the University of Maryland faculty. The governor had recommended a 4 percent raise; this was cut in half by the legislature.

The task force on veterinary medicine repeated its recommendation, which basically concluded that a school was not needed. The task force, however, presented alternatives, such as the establishment of a clinical facility in cooperation with a school of veterinary medicine at Virginia Polytechnic Institute and State University. The 1980 legislature was expected to act on this recommendation.

The 1979 legislature designated specific programs in the community colleges as regional, in order for students from other counties to enroll and only pay in-county tuition (Bevre, 1979, p. 198).

### Conclusion

Maryland had a difficult decade; however, the decade ended quietly, giving the governor an opportunity for sweeping reform and revision. Among other changes, he asked for a study of state-local government relations, which would impact on fiscal matters for higher education, a crucial issue for Maryland in the 80s.

### North Carolina

North Carolina began the decade with a system of governance operational since 1931 and a system of coordination since 1955. All that halted rather drastically with an overhaul of the total system, effective on July 1, 1972.

#### Background Information

In a 1931 Act of Consolidation, the University of North Carolina located at Chapel Hill lost forever its own 100-member Board of Trustees. For governance purposes, the University of North Carolina at Chapel Hill was consolidated with North Carolina State University and the University of North Carolina at Greensboro. The other two colleges affected also lost their boards. The consolidated schools were retitled the University of North Carolina. To this system eventually were added the University of North Carolina at Charlotte in 1965 and Wilmington College and Asheville-Biltmore College in 1969 (Chambers, 1970, p. 275).

The Board of Trustees, with a revised charter, retained a similar membership--100 members, elected by the General Assembly for 10 year terms. The State Superintendent for Public Instruction was an ex officio member.

Coexisting with the consolidated university system, and untouched by consolidation, were the state colleges. By 1967, they numbered 12, five of which were predominantly Black

(Chambers, 1970, p. 272). These colleges retained their own boards.

In 1955, the legislature established statewide coordination via the State Board of Higher Education. By statute, the Board of Higher Education was "to plan and promote the development of a sound, vigorous, progressive, and coordinated system of higher education in the State" (Zwingle and Rogers, 1972, p. 111). On paper, at least, the Board was supposed to have some say in North Carolina's higher education.

The type of members comprising the Board varied; the decision was never fixed as to whether membership should be totally lay or some lay--some professionals. In 1967, according to Chambers (1970), the membership of 15 included one from the State Board of Education, eight lay members appointed by the governor from the state at large for six-year terms, two from the Board of Trustees, and four from the boards of the senior colleges (p. 276). In 1969, seven additional members were placed on the Board, with the governor as chair and the others elected from members of the legislature.

The authority for this statewide organization was General Statutes of North Carolina, Section 116-154 through 116-167.

North Carolina also had local public junior colleges and technical institutes and industrial training centers under the governing authority of the State Board of Education. For coordination, these were under the authority of the Board of Higher Education.

To understand what changes occurred in the 70s, one must place into perspective the continuous problems of the Board of Higher Education. The Board, evidently interpreting its charter literally, ran afoul of the powerful consolidated University of North Carolina system. Subsequently, the enabling legislation for the Board was amended in 1959 to read:

All institutions included in the state system of higher education shall conform to the educational function and activities assigned to them respectively, provided that the Board shall not require any institution to abandon or discriminate any existing educational functions or activities, if, after notice, and hearing, the institution is not in agreement with the decision of the Board, until such decision is first recommended to and approval by the General Assembly (Chambers, 1970, p. 277).

Basically, the legislation protected the prestige of the University of North Carolina system; it remained the University with the other colleges relegated to a distant second.

What the General Assembly gave, the General Assembly could take away.

The legislation did not reckon, however, with the growth cycle of the later 60s and 70s. East Carolina College requested through the Board of Higher Education and the legislature the privilege of being designated a regional state university. The governor, the Board, and a consultant team all recommended against such action.

Everyone soon had second thoughts, after political opinion registered. Chambers (1970) reported:

In June, however, as adjournment of the legislature drew near, political reporters said the governor and other leaders of his party recognized that a revolt

among the numerous constituencies of East Carolina College was a threat to the statewide hegemony of the party, and had something of a change of heart (p. 280).

Legislators created not one, but four, regional state universities: East Carolina University, North Carolina Agriculture and Technical University at Greensboro, Appalachian State University at Boone, and Western Carolina University at Cullowhee. In 1969, the other five state colleges were converted to regional universities, all retaining boards of trustees.

In 1968, the Board of Higher Education offered this recommendation in its long-range plan:

The General Assembly should create a single agency to plan and coordinate higher education, with authority to review budgets and to prepare a single budget request for higher education, and the higher education planning and coordinating functions of several existing agencies should be transferred to the single agency (Bevre, 1971, p. 113).

#### Legislative Narrative

The legislature in North Carolina met biennially on odd-numbered years until 1974, when it began annual sessions.

Restructuring of higher education began with the decade. In 1970, the governor appointed an advisory committee to study the structure of postsecondary education in North Carolina and to recommend regarding improved governance and coordination. The 1971 General Assembly never voted on reorganization; instead they called a special session to deal with that one issue.

The governor had proposed to the regular 1971 General Assembly a plan from his advisory committee to combine the consolidated university system Board of Trustees with the Board of Higher Education. Each of the university campuses under that concept would have had a 12-person board as would the 10 regional universities and the Black institutions. Obviously, the University of North Carolina was not pleased with the equalization inherent in that recommendation. Compromise was not victorious, and the special session was convened to consider another proposal: a Board of Regents, a superboard concept, for the entire state university system.

In other governance matters considered during the 1971 session, the Board of Higher Education was authorized to provide money for students with demonstrable financial need who were attending either private or public colleges. A one-year medical school was authorized for East Carolina University. Student body presidents were added to the institutional boards of trustees.

In an effort to control and centralize budgets and enrollment, the State Board of Higher Education was appropriated money to set up an "Educational Opportunity Information Center" (Parker, 1971, p. 38). The Center would direct students to available openings at both private and public colleges.

One interesting, albeit minor, power play was the General Assembly's depriving the governor of the privilege of establishing the salary schedule for the university administrators.



The General Assembly decided that was a legislative prerogative; then they voted the educational administrators no raise (Parker, 1971, p. 39).

The Special Session of one week's duration created a 32-member governing board for the 16 state institutions in an action, according to Parker (1972), designed to end empire building on individual campuses of the state's network of 15 senior institutions and the North Carolina School for the Performing Arts (p. 7). This central Board of Governors replaced the Board of Trustees of the Consolidated University of North Carolina and merged its staff with the State Board of Higher Education. One reason for this statewide consolidation was the opinion of many that the Board had been "historically unable to yield enough power or influence to bring order to campus growth, impose its recommendations about roles for varied institutions, or have a major voice in budget decisions" (Parker, 1972, p. 7).

Each of the 16 institutions would be able to have boards of trustees, composed of 13 members. But these boards would have only what powers the Board of Governors chose to delegate. Chambers (1974) was not optimistic:

These are positively not governing boards, or even advisory boards. They are to have no powers except such as the Board of Governors delegates to them and since delegated powers may be withdrawn, their statutory powers in their own right are actually zero. It is gravely questioned in some quarters whether worthy citizens can be found who will accept this unpaid public service and take it seriously, knowing that it carries no statutory authority (p. 191).

The Board of Governors would have 32 members, selected by the General Assembly. To phase-in these 32, the original members would be chosen from the current boards so that the reorganization could begin July 1, 1972. With the General Assembly selecting eight new members every two years, the Board of Governors would have its total 32 members appointed by the General Assembly in 1979 (Chambers, 1974, p. 189).

The specified powers of the Board were these:

1. Plan and develop coordinated systems of higher education in North Carolina.
2. Govern 16 institutions.
3. Determine the functions, educational activities and academic programs. . .determine the types of degrees to be awarded. . .shall have the authority to withdraw approval of any existing program if it appears that the program is unproductive, excessively costly, or unnecessarily duplicative.
4. Prepare and present to the Governor, the Advisory Budget Commission and the General Assembly a single, unified recommended budget for all public senior higher education.
5. Assess the contributions and needs of private institutions of the state and give advice and recommendations to the General Assembly to the end that the resources of these institutions may be utilized in the best interests of the state (Parker, 1972, p. 9).

The 1973 General Assembly marked the first legislative session with the Board of Governors. In the first unified budget for all 16 institutions, the priorities established by the Board were honored by the legislature. In its annual report, the Board commented, "This was considered a significant indication that they have decided that educational issues

should be based upon educational rather than political judgment" (Bevre, 1973, p. 62).

During the organization year, two important actions were taken by the Board. In one, the Board specified the role of the institutional boards, which could only function in whatever role they were delegated. Bevre (1973) reported that "the scope of the authority delegated was considerably broader than had generally been anticipated at the time the law reorganizing higher education was enacted in the fall of 1971" (p. 62). Thus, one potential problem was quickly confronted. The Board, in a second area, declared a moratorium, until 1974, on new degree programs, another previous problem for North Carolina. In the interim, an inventory of what was already being offered was started.

Basically, the 1973 General Assembly allowed its reorganization plan some breathing space, ignoring higher education legislation except the expanded medical school at East Carolina University. The university, which had won approval for a one-year medical program, followed the "give them an inch, they'll take a mile" adage. Proponents of the planned full-fledged medical school agreed to delay an aggressive campaign until 1974 when the Board of Governors would present its decision. East Carolina, however, promised its legislative supporters would fight if they did not like that decision. Hoover (1973) commented, "Such action, challenging the board's authority to oversee the university system, would be the first since the

higher education system was reconstructed under one board in 1971" (p. 17).

The highlight of the 1974 General Assembly, true to predictions, was the skirmish between the University of North Carolina Board of Governors and their legislative supporters and the Eastern Carolina University supporters. The Board of Governors recommended against the expanded medical school; the recommendation was backed by the governor. However, the Board did not win. Legislation directed class size be doubled at the East Carolina University medical program and the second year added as soon as practical (Hoover, 1974, p. 33). The Board of Governors, instead of continuing the fight, retreated.

Other higher education legislation was minimal, with two important issues held over until 1975. North Carolina joined other southeastern states in considering the establishment of a school of veterinary medicine. The General Assembly charged a committee to review programs in the southern region and make recommendations for North Carolina. Hoover (1974) reported that Board officials "opposed the study as an erosion of their power, but having been defeated on ECU, could muster little support against this one" (p. 33). The second issue was similar in scope; the University of North Carolina at Charlotte requested that a third state-supported law school be built on its campus. That, too, was held over.

In 1975, North Carolina experienced a short fall of revenue totalling approximately \$200 million. Consequently, construction was almost eliminated, out-of-state tuition

increased, operational budgets barely keeping up with inflation, and most state employees received no raises.

Regardless, the legislature committed the state to two major long-term investments. The medical school for East Carolina University was approved. Hoover (1975) reported:

After more than a decade of wrangling, the more politically astute and cohesive easterners virtually ended the battle over East Carolina's medical school. The question now is not if, but when the facility will begin turning out family doctors, most of whom, its ardent backers insist, will practice in doctor-poor Eastern North Carolina (p. 42).

The legislature also approved \$500,000 for planning a veterinary school. The only argument was location. The Department of Health, Education, and Welfare recommended the school be located at predominantly Black North Carolina Agriculture and Technical University. The Board of Governors did not agree; they recommended the school be at North Carolina State University (Bevre, 1974, p. 81).

In another move toward expansion, the Board of Governors had authorized a study to determine the need for another law school. The Board recommended against such action, but money was authorized for strengthening the law school at North Carolina Central University.

Two important issues were raised by private colleges, which required decisions. North Carolina Wesleyan College requested admission to the University of North Carolina system. The Board of Governors denied the request because of fiscal limitation and lack of need for another state-supported school

(Bevre, 1975, p. 81). The General Assembly appropriated \$18 million to provide each North Carolina resident enrolled in a private college \$400. This doubled the previous amount but it still required matching funds from each private institution (Bevre, 1975, p. 81).

Two bills of interest did not pass. HB 260 would have prohibited members of the General Assembly from being community college trustees. HB 451 would have required the student government president of each community college to sit as a member of the community college boards.

The 1976 General Assembly was characterized by Hoover (1976) in this manner: "The higher education lobby was quiet while public-school teachers marched" (p. 47). In another year with a revenue shortfall, a bond issue was approved for capital expenses, raises were not, and the \$500,000 to plan a veterinary school remained.

The Board of Governors published its first five-year plan. According to the Board's report:

The introduction sets forth the principal constraints within which and the assumptions and projections upon which this effort to plan for higher education has proceeded. The report articulates the mission, goals and objectives of higher education generally and of the university in particular, and in that light the plan that follows has been formulated (Bevre, 1976, p. 192).

Responding to another of its original charges, the Board completed its academic program plan. From 300 programs submitted for approval, the Board had approved only 65. The plan itself stated mission statements for each institution with a

policy and procedure for review and assessment (Bevre, 1976, p. 193).

North Carolina in 1976 published its revised desegregation plan. Part of the state's responsibility was to respond to the question as to whether resources for all institutions were comparable. A comparative analysis was conducted by the Board and involved all phases of funding. The Board of Governors reported, "The principal finding of the study was that there is and for several years has been no discrimination in patterns or levels of state budgetary support that is adverse to the historically black institutions" (Bevre, 1976, p. 193).

After resolving the medical school question, emotional issues were replaced by the routine over the remainder of the decade.

The 1977 General Assembly established a reserve fund for the veterinary school and added money to continue planning. The school, scheduled to open in 1981, continued to outflank opponents who challenged it as "unnecessary and wasteful" (Hoover, 1977, p. III-1).

Tuition was increased for all students at public universities and community colleges, while public aid to students at private school was increased to \$500. The cost of this latter aid was \$4.3 million per year (Hoover, 1977, p. III-3).

NC H 1172 Ch. 563 1977 increased the number of institutions exempt from Board power to regulate the licensing of private institutions. Those established within the state

after 1960 and those out-of-state but authorized to be in the state had to comply.

Two studies were requested. NC SR 641 1977 directed a study be conducted on the effectiveness of North Carolina's aid to students attending private colleges. A second, NC HJR 512 1977, directed the Board to examine the faculty work load and tenure system.

In community college governance, two bills were not passed. A bill making it illegal for legislators to sit on community college boards failed, as did a bill to establish a separate statewide governing board for the community colleges, which were administered by individual boards of trustees and coordinated by the State Board of Education. A bill passed permitting a student to be an ex officio, voting member of each community college board.

The 1978 General Assembly took the final step, voting to build the veterinary school at North Carolina State University. Hoover (1978) reported:

In a sharp contrast to the political-philosophical contest that raged for a decade over whether East Carolina University should have a medical school the veterinary school's \$7.3 million allocation was approved with barely a whimper (p. II-26).

The anti-arguments remained the same, but they had been reduced to an echo.

North Carolina had developed a five-year plan, agreed to with the Department of Health, Education, and Welfare, for upgrading Black institutions and desegregating further the university system. The 1978 General Assembly appropriated



\$12.4 million to begin carrying out the plan. With the acceptance of North Carolina State Plan for the Further Elimination of Racial Duality in Public Higher Education Systems, Phase II, HEW dropped its federal administrative proceedings against the state (Bevre, 1978, p. 93).

The Board of Governors continued program review. Between 1978-1980, 26 degree programs and 20 majors were scheduled for elimination (Bevre, 1978, p. 93). The Board also conducted a study of programs at three predominantly Black and three predominantly white institutions. The Board agreed that there was no unnecessary program duplication and that to close or transfer programs would inflict serious damage on the institutions and their students and would limit access to higher education (Bevre, 1979, p. 219).

The 1979 session concluded the decade quietly. Following its established pattern, the General Assembly increased state aid to private colleges, approving an increase from \$600 to \$675 per student. Capital funds of \$20 million for 1980 and 1981 were appropriated to the five Black institutions as part of the desegregation commitment (Hoover, 1979, p. 56).

The North Carolina community college system became a system. The 57-unit of community colleges were placed under a separate community college board, to become effective in 1981.

### Conclusion

North Carolina concluded the decade as it had started it: creating a centralized board for a level of postsecondary education--the community college. Yet centralization at the university level had not prevented the legislature from preempting the Board's authority when it sufficed for legislators' political purposes, as in the example of the medical school at East Carolina University.

### South Carolina

Postsecondary education, as well as its statewide system of governance, progressed either laggardly or in stops and starts during the decade of the 70s until, after several unsuccessful attempts, a lay coordinating board was established in 1978 and immediately charged with creating a master plan for higher education in South Carolina.

### Background Information

During the 60s, South Carolina expanded the access to its postsecondary educational system, and the system itself, by establishing branch campuses and two-year technical educational centers. Concerned about the lack of progress in the state's educational program, the governor of South Carolina, at the beginning of the decade, had appointed a Governor's Advisory Committee on Higher Education. This Committee proposed two key changes for South Carolina: the development of a comprehensive community college system and a state coordinating

agency for all the different segments of postsecondary education, a mechanism to foster cooperation, efficiency, economy, and excellence (Chambers, 1970, pp. 341-342).

Although the first recommendation met with little success, the second became a reality in 1962 when the legislature created by statute the State Advisory Commission on Higher Education. The word "advisory" in the title was certainly included on purpose. Although the Commission was charged with planning, coordinating, and program approval, it had only advisory powers.

The 1962 Commission was composed of 13 members: lay members appointed by the governor and one member from each of the institutional governing boards, which at that time numbered six. In 1967, the Advisory Commission was reauthorized by statute as the State Commission on Higher Education (Carnegie Commission, 1971, p. 144). The colleges and universities retained their autonomous boards with the technical centers governed by the State Committee for Technical Education.

The responsibilities assigned to the Commission on Higher Education were basically these:

The commission is required to meet regularly and to make studies of the State's institutions, including the role and scope of each institution in the overall State program. Other subjects studied include enrollment trends, student costs, capital fund requests, and curriculum of the several institutions, and areas of State-level coordination and cooperation (Zwingle and Rogers, 1970, p. 137).

Statutory authority was established in Code of Laws of South Carolina, Section 22-15.6 - 22-15.11.

Legislative Narrative

The Commission on Higher Education recommended in 1970 the creation of the State College Board of Trustees to be the governing entity for any emerging four-year colleges. Francis Marion College became the first, being converted from a two-year university branch. The second new college was the College of Charleston, which had been a private institution.

The Commission, however, was unsuccessful in its recommendation for a state system of junior colleges (Bevre, 1970, p. 77). The Commission proposed converting the university branches and centers into a separate system of state supported junior colleges, but the proposal was not accepted by the General Assembly.

The 1970 General Assembly considered two bills, which were controversial from a legal perspective. One that passed appropriated funds for financial assistance to state students attending private colleges within the state. The second bill did not pass. The Commission and a legislative committee had recommended permitting men to graduate from Winthrop College, traditionally and constitutionally a women's college.

The South Carolina Supreme Court ruled the 1970 Tuitions Grants Act unconstitutional. The Constitution according to the Court, would have to be amended, and such a resolution for voter consideration was not passed in the 1971 General Assembly. The Supreme Court based its decision on the fact that three-fourths of the private institutions were controlled by religious groups and the aid would benefit the institution as

well as the individual. The Commission on Higher Education strongly supported such aid to students attending private colleges.

Coeducation lost in another court battle (Williams v. McNair, U.S.D.C., S.C., 316 F. Supp. 134. 1970). The United States Supreme Court affirmed the state court ruling that men attending Winthrop would be unconstitutional, and a resolution supporting this expansion of education opportunity was not acceptable to the 1970 legislature.

An attempt to add a student member, the president of each student body, to each governing board of trustees failed to pass. Also failing was a bill to increase the number of members on the boards.

Another significant piece of legislation, a bill to establish junior colleges "in any independent or special school district when authorized by a three-fourths vote of the district," failed (McNeely, 1971, p. 21). Concurrently, language in the appropriations bill required the Commission to study the possibility of a comprehensive community college system and report in 1972. In its yearly report, the Commission (Bevre, 1972) stated:

If the state were beginning to build a public system of two-year colleges, something different from that which exists would undoubtedly be considered. However, the 10 branches and centers of the universities are performing an excellent job, for the somewhat limited segment of the population they serve, and enjoy strong local support while the 13 technical education centers are fulfilling a critical need. In these circumstances, the Commission is endeavoring to improve cooperation between the two systems (p. 120).

The Commission continued to work on its long-range plan. Eight committees were studying different areas with each institution submitting a "Statement of Goals, 1970-80" (Bevre, 1971, p. 120).

The legislature in 1972 resolved the community college issue, but not in the manner envisioned by the Commission on Higher Education. The General Assembly created a State Board for Technical and Comprehensive Education, with members appointed by the governor with the approval of the General Assembly for six year terms. The Board's constituents comprised "all two-year, state supported, postsecondary institutions and their programs, with the exception of the branches and centers of the University of South Carolina and Clemson University" (McNeely, 1972, p. 37).

Instead of converting university branches and centers into community colleges, the legislature authorized the branches to develop junior and senior level programs automatically when warranted by a specific enrollment. Only the university Board of Trustees had to approve when, previously, such expansion required approval from the Commission.

Once more, a bill permitting men to graduate from Winthrop College passed; however, whether it would remain strictly a female college had to be determined by the voters.

Lander College, supported by its county, was added to the state system. Lander was placed under the State College Board of Trustees for governance. The Commission had opposed this action (Bevre, 1973, p. 67).

Additional facilities for medical education became a major issue in 1972. Instead of deciding whether to establish a second medical school, the General Assembly set up a Health Care Committee to make recommendations (McNeely, 1972, p. 38). Another bill empowered the governor to arrange for students to study veterinary medicine at institutions in other states.

This session, the bill to add the student body president to his or her Board of Trustees passed, but the bill to increase the overall voting membership on the boards once more failed.

Responding to court rulings, a resolution was ratified to permit the voters to determine if the state constitution should be amended "to remove the prohibition against indirect aid to sectarian institutions, so that grants and other forms of state assisted aid may be provided" (McNeely, 1972, p. 39).

In 1973, the General Assembly reversed itself, not only restoring power to the Commission on Higher Education but adding to that power. The General Assembly charged the Commission with approving any new programs at state colleges. The General Assembly, however, retained for itself the right to overrule the Commission's decision. In effect, the General Assembly did not want the local areas deciding on expansion for which the state would be fiscally responsible, and they wanted to reserve the final decision for the legislature, in case of strategic conflict.

For the first time, the General Assembly set up a procedure for the presentation of a unified higher education budget.

Institutions would submit requests to the Commission, which would submit the total budget to the State Budget and Control Board and the General Assembly but in a more formal way than the proverbial smoke-filled room, which had been typical.

The legislature authorized the Commission to apply to the Veterans' Administration for funding a second medical school. The Commission was also charged with the more ticklish problem of determining the location of that school; the Commission recommended that the school of medicine, if federal funds were forthcoming, should be established at the University of South Carolina.

Four million dollars was appropriated to fund the tuition grants program originally passed in 1970 and finally set into law by a constitutional amendment. The program, administered by the private institutions themselves, provided students enrolling in private colleges money but "with no student receiving more than the annual state appropriation per student for the public colleges and universities or more than tuition and fees of the college of choice" (Bevre, 1973, p. 68). SB 91 ratified an amendment to Article XI of the Constitution to prohibit direct public financial aid to religious or other private institutions.

Once more in 1974, the General Assembly increased the authority of the Commission by designating it the State Commission for the Higher Education Act of 1965.

The medical school controversy emerged in the 1974 session. The Commission had established criteria for the University of



South Carolina's application to the Veterans' Administration; these were met and approval sought. However, the University had then requested \$391,000 for the state's portion of the first year's operating costs. The request passed, amid hue and cry, but the controversy ended with the announcement that the United States Veterans' Administration would provide \$19.8 million to South Carolina for the first seven years of the new medical school (Page, 1974, p. 35).

Under the unified budget plan, the Commission reviewed budgets as determined by a formula developed by the institutions and the Commission and intended to provide fiscal equity. The Commission reported that the 1974-75 version of the formula, adopted by the commission last August "is considered to be another major step in the direction of increased objectivity and interinstitutional equity in determining appropriations" (Bevre, 1974, p. 278).

After two successful years with the unified budget based on a formula, the General Assembly in 1975, due to a poor state economy, provided appropriations for an enrollment increase, and that was all. The formula caused another controversy. The Commission did not wait for a study committee to approve a new formula for the 1976-77 fiscal year, much to the consternation of the University of South Carolina and Clemson. Page (1975) reported that the Commission's action set up for the 1976 session just what the use of the formula was supposed to eradicate: the string pulling by influential

higher education institutions to con law makers into increasing their appropriations, but no one elses (p. 44).

A report was authorized by the 1975 General Assembly to study the "overlapping and duplication of academic offerings in higher education and vocational institutions" (Page, 1975, p. 49).

The medical school sore had, instead of healing, only scabbed over. It erupted again in 1976. Page (1976) reported:

A tight budget and election-year politics combined to revive the opposition to the medical school which received its first state funding in 1974. It was approved that year only after a strong push from then Governor John C. West and a commitment from the government for a \$20 million grant of the first 7 years (p. 54).

Supporters of the University of South Carolina at Charleston continued to contend that they would lose state support if the second medical school were built. Concurrently, planners at the University of South Carolina realized, and even admitted, that they would need more operational funds than originally projected. An additional ingredient was the governor, who as a legislator had opposed the new college. The General Assembly compromised; they reaffirmed the original decision and then created a dean's committee as an "active liaison between the two schools" (Page, 1976, p. 54).

In 1976, a year already beset with financial limitations, the General Assembly shifted its priority to the K-12 sector. In order to maintain fiscal credibility for both systems, the General Assembly approved an increased liquor tax (Page, 1976, p. 55).

Although reorganization of the Commission on Higher Education was not approved, it was strongly considered. The study committee on duplication, charged in 1975 by SB 492, had recommended an increase in the Commission's authority. For example, the Committee recommended that the Commission have the power to discontinue a program it considered no longer viable; it also recommended that the Commission's membership be totally lay persons (Page, 1976, p. 56). The governor also "called for a larger commission with more authority over the programs offered at the colleges and universities" (Page, 1976, p. 56). The Commission said that "although the senate and house education committees reported favorably on the legislation, it was not acted on by either house prior to adjournment" (Bevre, 1976, p. 206).

In another aspect of governance, the General Assembly redefined the responsibilities of the State Board for Technical and Comprehensive Education (SB HB 3662 R. 766). Basically, the revised legislation gave to the Board approval or disapproval of any new vocational programs in any state college, responsibility for creating new campuses without Commission approval, and permission to request from the state funds for capital improvement (Bevre, 1976, p. 206).

The 1972 statute providing for the conversion of branches to state colleges with approval of only the university's board was repealed. Under the law, three branches had become colleges in the six years.

Winthrop College was officially renamed Winthrop College instead of The South Carolina College for Women, with restrictions on male students removed.

The Commission supported cooperation with Georgia and North Carolina to develop a regional school of optometry.

The Board reported:

The mechanism is proposed for sharing capital costs as well as annual operating costs of the school. The model responds to the needs of the three states while providing for a quality facility and program that could not be replicated by the limited financial resources available to one state alone (Bevre, 1976, p. 208).

In 1977, reorganization of the Commission on Higher Education, giving it broader authority and a master planning charge, failed. The proposed bill would have placed 18 members on the Commission; none of them would have been directly involved with an institution, rectifying a popular criticism of the existing Commission. The bill also provided for a moratorium on expansion of programs, faculty, and construction until the approval by the legislature of a master plan. Page (1977) reported that "opposition...has come from colleges and universities whose representatives would be removed from the Commission under its proposed new organization" (II-19).

The Commission, however, was assigned the duty of regulating the so-called diploma mills. The Commission was charged (SC H 2749 R 318) with licensing and regulating non-public institutions offering degrees in South Carolina, except for religious schools and those already accredited by the Council on Postsecondary Accreditation (Bevre, 1977, p. 96).

One interesting intervention by the governor in academic policy occurred when he requested the Senate Finance Committee to check on the hours professors actually spent in the classroom. The Commission quickly responded with data proving full-time faculty taught between 12 and 18 hours per week. Page (1977) reported that "after prompting a lot of attention in the academic community, the governor's proposal died quietly when it was referred to a subcommittee" (p. II-22).

Finally, in 1978, Act No. 410, restructuring the State Commission on Higher Education, was passed. Basically, instead of a commission with dual representation from the citizenry and the institutions, the revised Board would be composed of 18 members, all lay persons. However, political compromise, as opposed to idealistic purity, was in order for the bill to pass. Each of South Carolina's six congressional districts would have three members on the board, two appointed by the governor with approval of the General Assembly, and one appointed only by the legislators in each congressional district (Bevre, 1978, p. 108). The Board members also had to include some minority representation.

The second aspect of the legislation was the charge to submit on July of 1979 a master plan for higher education in the state. And until that plan was completed and accepted, a moratorium was in effect.

Also awarded to the Commission were these additional responsibilities: "recommending funds for capital improvement of the institution to the legislature's education

committees; and approving permanent off-campus locations and facilities" (Bevre, 1978, p. 108).

Because of the moratorium until completion of the master plan, the 1979 General Assembly was quiet in terms of higher education legislation. The 1978 General Assembly had specified that institutions could appeal to the legislature for relief from the moratorium if there were pressing local needs. However, McInnes (1979) reported that the governor vetoed most of these projects and "his actions were upheld in the legislature" (p. 70).

The Master Plan was to be presented to the 1980 General Assembly. Since the Commission had a short time, only a year, to complete such a task, the plan designated only in general terms the missions for each institution and the recommendations for the future. The report stated that "the Commission believes the planning process is of primary importance and recognizes planning must be an ongoing process" (McInnes, 1979, p. 71).

Issues reoccurring during the decade of this study received attention. For example, the plan recommended close coordination between the Medical University at Charleston and the newer University of South Carolina Medical School. It also stressed the original agreements of sharing clinical facilities that "would preclude the necessity of building a university-owned and controlled teaching hospital" (McInnis, 1979, p. 72). In another area, the regional campuses were to

remain commuter campuses. The Commission was finally able to put some teeth into the pronouncements of the decade.

### Conclusion

South Carolina concluded the decade with both a coordinating commission with authority in budget, planning, and program approval and an incipient master plan.

In relation to its own role, the Commission admitted part in inadequacies because:

public institutions, in some instances in violation of established procedures, present requests directly to the General Assembly for funds or authorization. The General Assembly has acted on many of these requests without seeking an opinion from the commission . . . . This action has the effect of encouraging public institutions to bypass the commission and seriously jeopardizes the commission's ability to carry out its legislatively, mandated function (McInnis, 1979, p. 72).

### Tennessee

Tennessee's comprehensive and coordinated postsecondary educational system emerged primarily during the late 60s and the 70s. For example, from an initial appropriation of \$500,000 for fiscal 1966-67 to support community colleges, by the legislative session of 1969, nine community colleges had been authorized.

### Background Information

During the 1960s, the University of Tennessee system was governed by its own Board of Trustees. The six state

colleges, later termed regional universities, were under the authority of the State Board of Education. Because of seeming competition between these two systems, the legislature in 1963 created a Legislative Council to analyze the structure of higher education and determine if a single board or a coordinating agency might be more appropriate. The Council recommended a Board of Regents of Higher Education, a Board of Trustees for the University of Tennessee system, a Board of Trustees of State Colleges and Universities, and the State Board of Education for junior colleges (Chambers, 1970, p. 351).

The 1964 plan was not enacted, and in 1967 the Tennessee Higher Education Commission (THEC) was established by statute. The legislative act stated:

It shall be the duty of the commission on a continuing basis to study the use of public funds for higher education in Tennessee and to analyze progress and needs in the field of higher education. The commission shall in addition undertake such specific duties as may be directed by resolution of the general assembly or as may be requested by the Governor (Zwingle and Rogers, 1972, p. 144).

Statutes authorizing the Tennessee Higher Education Commission were covered in Tennessee Code Annotated, Section 49-106, 19-3301, and Section 49-3303, Section 49-4201-49-4210.

The Commission was authorized as a coordinating board with nine members appointed by the governor. Three members must reside in each of the major sections of the state. Members must be noneducators.



The THEC was charged in statute with

developing a master plan, developing policies and formulas for the equitable distribution of funds, studying the need for programs, revising and approving or disapproving proposals for new degree programs, conducting a program for public information about higher education, determining the need for new institutions, and submitting a biennial report to the Governor and the general assembly (Zwingle and Rogers, 1972, p. 144).

The University of Tennessee system, including the main campus at Knoxville, campuses at Martin, Chattanooga, and Nashville, and the medical complex at Memphis, retained its own Board of Trustees. The six state colleges, renamed regional state universities, were governed by the State Board of Education, as were the community colleges.

One additional aspect of the development of these two systems under the coordination of the THEC was the controversy involving the expansion of the University of Tennessee at Nashville and the Tennessee State University, also in Nashville and predominantly for Blacks. When the Nashville branch of the University of Tennessee system was being converted into a complete campus in 1968, a suit was filed in federal court to enjoin the expansion of the University system in Nashville since desegregation would not be advanced by enlarging what would basically be another state supported college, this one primarily for whites. The judge refused the injunction but ordered a plan be developed for desegregation of higher education to be submitted by April, 1969 (Sanders v. Ellington, U.S.D.C. Tennessee. 288 F. Supp. 937, 1968). The plan filed in 1969 suggested, among other alternatives, a merger of

Tennessee State University and the University of Tennessee at Nashville, a suggestion that was finally, after many baby steps and too few giant steps, to become a reality at the end of the decade of the 70s.

#### Legislative Narrative

In 1970, the THEC proposed a bill to establish a governing board separate from the State Board of Education for the state's six regional universities and the nine community colleges. The bill was passed only by the House. Another governance bill, opposite in intent to the THEC recommendation, proposed that the State Board of Education be increased to 15 members and then be divided into committees for each different segment of education. It also failed. The legislature did pass a measure to increase the number of University of Tennessee trustees to 16.

According to the Board report for 1970, "the 1970 General Assembly made little headway in solving major problems which exist in higher education in Tennessee" (Bevre, 1970, p. 78).

As in other southern states with a large number of private colleges, especially with religious ties, Tennessee wrestled with the ethical problems of whether to provide state money to students at independent colleges and universities. In 1971, the Council of Private Colleges proposed a bill authorizing tuition grants for any needy Tennessee resident who attended private or public college. The legislation passed, but funds for implementation were not appropriated.

The THEC reported that it favored the legislation "but felt that there were not funds available to meet the estimated \$5 million cost of the program in the first year" (Bevre, 1971, p. 121).

The governor appointed a nine-member committee to investigate the governance of higher education in Tennessee and then recommend a proper structure. This action was repeated throughout the decade.

An additional state supported medical facility was an issue in Tennessee in 1971. THEC opposed creating another medical school; instead, the Commission recommended establishing clinical education centers under the direction of the University of Tennessee Medical School. A bill to reduce the doctor shortage by the state support of residents at two private Tennessee medical schools did not pass (Bevre, 1971, p. 121).

While some factions were planning the demise of the THEC and the transfer of its functions to the State Board of Education, another faction supported legislation increasing its authority. THEC was empowered to approve any changes in student fees and salaries. In addition, operating budgets and revisions would have to be submitted to the THEC for comments before THEC would submit such requests to the commissioner of finance.

A proposal to increase membership on the THEC from nine to 15 failed (Travis, 1971, p. 13). The six regional universities continued to lobby for a single governing board,

thinking such centralization would equate them with the university system. The University of Tennessee, on the other hand, was happy to retain the status quo, under which it had its own board and most of the prestige.

The 1971 session converted the University of Tennessee center at Nashville into a campus, much to the chagrin of supporters from Tennessee State University. Supposedly, UT-Nashville would have only afternoon-evening programs for adults.

Events foreshadowed in 1971 occurred in the 1972 General Assembly. For example, the tuition grant program approved in 1971 was funded in 1972 with \$1.25 million (Travis, 1971, p. 34). The General Assembly passed a contract agreement with Meharry Medical College and Vanderbilt University for additional medical education to Tennessee residents. THEC also recommended fee increases to the governing boards in an effort to provide more operating funds.

Reorganization in governance occurred. A board of Regents was created (HB 17441 SB 1570) to govern the six regional universities and the community colleges. Of the 16 members of the Board, 11 were to be appointed by the governor with the others ex officio (Travis, 1972, p. 34).

THEC exercised its fledgling muscles when a policy requiring spectator sports facilities to be self-financing was challenged. A \$1 million bond issue (HB 2379/SB 2184) was passed to build a football stadium at the University of Tennessee at Chattanooga. The governor vetoed a bill after being

advised by THEC that "if he made an exception to policy for UTC, demands would be made by other institutions for \$10 million to finance athletic facilities of one kind or another" (Travis, 1972, p. 35).

Tennessee coveted a portion of the money available from the Veterans' Administration for building a medical school. The governor and THEC opposed efforts by the East Tennessee legislators to establish a second state medical school in Johnson City (SB 1292/HB 1537). Authorization was not passed; however, a legislative committee was empowered to conduct tentative negotiations with the Veterans' Administration.

Several bills regarding the THEC were unsuccessful. HB 1682 would have given the THEC the authority to review all degree programs. HB 2272 would have abolished the Commission. SB 1356/HB 1489 would have added the governor and the commissioner of education as ex officio members to THEC.

According to Travis (1973), "Essentially the mood of the legislature this year was to maintain the status quo in higher education and place increased emphasis upon vocational education in the public schools" (p. 18).

In 1973, appropriations for higher education were computed by a formula developed by THEC; the formula was fully funded and the budget process of channeling requests through THEC was honored.

THEC recommended building a tenth community college, this one on the campus of the Chattanooga State Technical Institute, and then merging the two. This plan was authorized. To avoid

overlap and duplication in Chattanooga, an advisory council for postsecondary education in the Chattanooga area was created (Travis, 1973, p. 19). Another cooperative venture resulted from a consortium arrangement in Jackson among four public and three private colleges. Together they would plan and coordinate education in their geographical area.

The medical school proponents prevailed, at least in principle. The legislature appropriated \$100,000 to plan the medical school at East Tennessee State University, contingent upon Veterans' Administration funding. THEC still preferred spending any additional funds to upgrade the University of Tennessee Medical Center.

Consistent with the rest of the south, Tennessee had too few veterinarians. In lieu of establishing a veterinary school, the General Assembly charged THEC with reporting on how best to overcome this shortage.

Tennessee continued its contract program with SREB to provide spaces for optometry students at a private college in Memphis.

The desegregation problem dragged on in the courts. The state had presented in 1972 steps, other than merger, to increase desegregation at Tennessee State University. TSU filed a concurrent plan calling for a merger with the University of Tennessee at Nashville. In Grier v. Dunn (337 F. Supp. 573, 1972), the District Court ruled an open door policy plus good faith was sufficient affirmative action, but when such efforts failed, the Court could demand more. Consequently,

the Court charged the state with dismantling its dual system of higher education by various means, including a consideration of some type of merger of Tennessee State University of Tennessee--Nashville.

THEC successfully completed its master plan for the state and presented it to the General Assembly in 1973.

Governance and decisions regarding medical education shared the 1974 General Assembly spotlight. The legislature approved the appointment by the governor of a student to be a member of the University of Tennessee Board of Trustees, (HB 213, TN Ch. 574) Legislation did not pass, however, to place a student member on the Board of Regents (HB 1002). A third piece of related legislation proposed adding three ex officio members to the THEC, presently all lay; the bill was defeated because of the potential for conflict of interests.

Both houses of the General Assembly considered different reorganization bills. The house approved a bill elevating the state education commissioner to "a virtual czar over the whole public education establishment" (Travis, 1974, p. 41). THEC would have retained only minimal advisory responsibilities. The senate, moving in an opposite direction, voted to keep the higher education structure intact, while demoting the education commissioner to a liaison role. Neither version gained supremacy.

The second medical school bill was decided more on vote swapping and regional competition than overall state planning with regard to manpower needs and fiscal liability. The

eastern region fought for a Veterans' Administration funded school for East Tennessee State University; opponents from the western region wanted any extra money to subsidize the medical school at Memphis. Compromises were ineffective. According to Travis (1974):

Legislators from the upper East Tennessee region offered their support for programs and projects being sought elsewhere in exchange for help with the medical school; similarly those with other interests sought out the East Tennesseans to see if mutual support could be established (p. 42).

The bill finally passed both houses and then overrode the governor's veto; after much political maneuvering, the second state-supported medical school was authorized (SB 1549).

The legislature examined a Southern Regional Education Board report recommending against a veterinary school and proceeded to authorize one with alacrity (SB 1522). Perhaps the legislators were simply worn out from the medical school arguments.

On April 19, 1974, a United States District court ruled Tennessee State University was the only state institution that could offer graduate courses in Nashville. The judge also ordered the University of Tennessee to cancel its graduate programs at the University of Tennessee at Nashville (Bevre, 1974, p. 279). This ruling was consistent with THEC's recommendations, another step to eventual dismantling of a dual system through merger.

In 1974, Tennessee joined the Academic Common Market (SB 1411), providing access for Tennessee students to 66 graduate programs (Bevre, 1974, p. 279). Another regional



cooperative plan was not passed. According to THEC's report (1974):

Measures to waive nonresident tuition for Kentucky residents if reciprocated for Tennesseans attending Kentucky school and to waive nonresident tuitions for students in eight surrounding states of the action was reciprocated were not successful (p. 280).

In Americans United for Sep. of Church & State v. Dunn (384 F. Supp. 714, 1974), the plaintiffs charged the state tuition grant program providing money to students attending church-related schools was unconstitutional. The Court agreed, stating the entire program was unconstitutional since no restrictions were placed on how colleges could use these funds.

The 1975 session provided little fiscal improvement for Tennessee higher education. In a time of restraint, the legislature nevertheless funded the new medical school while postponing funds for accreditation of the existing medical center. In another inconsistency, the legislature, at the governor's insistence, authorized development of the veterinary school at Knoxville.

In a governance issue, the membership on the THEC was adjusted so that each congressional district would be represented (TN SB 848 Pub. Ch. 287 1975). After years of resistance, a student member was added to the State Board of Regents.

The legislature did not refund the tuition grant program. The controversial bill had been declared unconstitutional; the state had appealed and been awarded a temporary stay by the Supreme Court. The issue, according to the THEC report,

was whether public funds should be used to support church institutions in violation of the freedom of religion and whether the state can aid sectarian colleges without violating the establishment of religion clause" (Bevre, 1975, p. 100).

In 1976, higher education fared somewhat better with increased appropriations and flexibility in awarding pay raises. The problem remained Tennessee's unwillingness to adjust its tax base to meet demands and commitments.

The legislature, in a major piece of governance law in 1976, empowered the Board of Regents to develop more rules for faculty (TN SB 2011 HB 2101 Ch. 839 1976), a move consistent with the University of Tennessee Board of Trustees' powers (Travis, 1976, p. 22).

During 1976, the master plan was revised to respond to "both the current status of and future prospects for state higher education" (Bevre, 1976, p. 210).

In desegregation, a September 1976 date was set to evaluate desegregation in the total postsecondary system and determine goals.

One positive cooperative agreement was the approval of exchange students, particularly with Kentucky, free out-of-state tuition. Such a model provided access in sparsely settled areas of states at limited costs.

HB 1534 repealed the controversial tuition grants program statute. Instead, the student assistance program was created, and \$750,000 was allocated to fund it.

Funding for postsecondary education in 1977 increased by 14.4 percent; the Tennessee Student Assistance Corporation was

refunded and raised to \$3.4 million (TN SB 551 Ch. 282 1977). The TSAC had been chartered to grant money to students for both public and private institutions, if the private institutions were not sectarian.

The legislature realized that additional medical education facilities in the state would not guarantee more doctors would remain in the state. Legislation passed during the 1977 session included expanded contract arrangements for Tennessee students and another clinical training center. Travis (1977) reported:

The troublesome problem was turned over once more to the Higher Education Commission, which was asked to try again to find a practical, economically-feasible means of assuring medical services in the physician-short areas (p. II-12).

A move of note in 1977 was the attempt to expand the reciprocal tuition-free arrangements with neighboring states. Instead of passing these bills in varying garb, THEC was charged with exploring the possibility of such arrangements and reporting to the legislature. Such a proposal had been supported previously by THEC, but at that time the legislature was uninterested because enrollment was increasing. Cooperation is a strategy when enrollment is decreasing.

Tennessee passed a "Sunset Law" mandating evaluation of state agencies. This law included the governing boards and the THEC, which would be called upon to prove why they should remain in existence.

In Grier v. Blanton (427 F. Supp. 644, 1977), the plaintiffs sued to prevent a new facility, a branch of the

University of Tennessee system, from being built in Nashville on the grounds that such a facility would be a step backwards in dismantling Tennessee's dual system. The suit sought a merger of the two institutions to lessen competition and support desegregation. The Court agreed, ordering the merger to be completed by 1980.

Tennessee's tradition of strong and numerous private institutions finally affected the statewide structure. In 1977, voters had amended the constitution to authorize spending public money on private colleges. The amendment reads, "The general assembly may establish and support such postsecondary educational institutions, including public institutions of higher learning, as it determines." The legislature passed a bill (TN Ch. 907 1978) charging THEC to consider programs already offered at private institutions before approving duplicate programs at public institutions and to increase the contract space at private institutions in the state (Travis, 1978, p. II-17). Such a bill had been previously introduced, and in this session was vetoed by the governor. The bill overrode the veto based on the rationale, all important, of economy.

Money had been appropriated to the THEC for a study of the vocational technical institutions and how best they could be placed into the statewide structure. These institutes were transferred from the State Board of Education to the THEC for budget and planning.

Studies were authorized to compensate for increasing legislative inactivity on pressing issues. Instead of approving a bill for salary equalization among men and women, THEC was asked to study sex discrimination. The 1977 study on reciprocity with Kentucky as a pilot for future ventures resulted in a proposal that failed. The THEC was next charged with a study of "programs designed to encourage physicians to practice medicine in physician-short areas of Tennessee" (Travis, 1979, p. II-20).

In Grier v. University of Tennessee (597 F. 2d 1056, 1979), the judgment of the District Court in ordering the merger was affirmed.

The 1979 General Assembly ended the decade with little budgetary optimism for Tennessee education. The THEC's formula was attacked from those colleges with increasing numbers of part-time students, the argument, not accepted by the legislators, was that as student profiles changed, funding formulas had simultaneously to change.

THEC had established guidelines for community colleges to establish off-campus programs, and in 1979 one community college met the enrollment criterion. Travis (1979) reported, "It was evident, though, that pressure from the community colleges, as well as the senior institutions, to establish off-campus programs where they don't already exist will be growing" (p. 41).

In the continual private-public school controversy, the legislature passed a bill prohibiting the merger of a private

college with a state-supported college. The legislators, evidently, feared a rash of mergers advocated by colleges in trouble and the burden that would place on the total system.

### Conclusion

On October 1, 1979, the Supreme Court declined to hear the Tennessee State University/University of Tennessee--Nashville merger case, thus finalizing the pro-merger decision. In Tennessee's capital city, the only state university would be Tennessee State, and white students choosing a public university would choose what had been historically a Black state university. Such an event not only moved integration forward but reversed the pattern of Black into white.

### Texas

Texas's system of postsecondary education is just as expansive and diverse as the state itself. Frequently, that vastness led to attempts by the legislature for more control via increased centralization.

### Background Information

By 1935, Texas had three tiers of colleges and universities. Three boards governed these separate systems. The Board of Regents was in charge of the units of the University of Texas; the Directors of the Agricultural and Mechanical Colleges for Texas governed four units; the Regents of State

Teachers Colleges managed seven units (Chambers, 1970, pp. 357-358).

In 1929, Texas by statute established a State Board of Education, which functioned in an advisory capacity to post-secondary education. This Board was superseded in 1949 by the Texas Education Agency, an elected body which also coordinated the community college system. The 1955 legislature in Senate Bill Number 45 created the Texas Commission on Higher Education.

During this progression, the three tiered system remained the same except for growth in each tier. For example, as state colleges became separate universities, they received their own governing boards. In actuality, a fourth tier was added: universities with independent boards. And a fifth member of the system, the community college, supplied numerous boards to the total as each had a district-wide, elected Board of Regents.

In 1964, the Commission on Education Beyond the High School had recommended a coordinating board, and in 1965 in a comprehensive statute the Coordinating Board, Texas College and University System, was established. The Board had 18 lay members, appointed by the governor with the approval of the senate for six-year terms. At the same time, community colleges were transferred to a Board of Regents for statewide coordination.

Zwingle and Rogers (1972) summarized the responsibilities and functions of the Coordinating Board:

The board is responsible for providing leadership and coordination for the Texas higher education system, institutions, and governing boards so that the State may achieve excellence for college education of its youth through efficient and effective utilization and concentration of all available resources and elimination of costly duplication in program offerings, faculties, and physical plants. Among its chief duties are long-range (sic) planning, data collection and dissemination, approval of proposed new certificate and degree programs in the public senior colleges and universities, and preparation and submission of recommendations for appropriation requests for higher education to the legislative and executive budget agencies (p. 147).

Vernon's Texas Civil Statutes, Article 2919e-2, Sec 1-27, described in detail the specific duties of the Coordinating Board. In a philosophical tone, the statute stated:

The functions vested in the governing boards of institutions, not specifically delegated to the Board shall be performed by such governing Boards.

The coordinating functions and other duties delegated to the Coordinating Board shall apply to all public institutions of higher education. . . .

The Board represents the highest authority in the state in matters of public higher education, and shall define junior and senior colleges, universities and university systems (Williams, 1972, p. 161).

Chambers (1970) summarized the comprehensive statute and its potential effect:

The statute as a whole bears evidence of intent to invest the Coordinating Board with coercive administrative powers in many instances, so that it applied literally and unimaginatively, the authority of the governing boards would be severely diminished, the autonomy of the institutions much impaired, and perhaps the morale of faculties and students permanently lowered, at great loss to the state (p. 370).

That prediction did not occur. Chambers (1974) praised the Texas Coordinating Board; he wrote:



Fairly considering the complexity and difficulty of its job, one must concede that during its first eight or nine years of existence it has earned the right to be ranked among the most successful of such bodies (p. 242).

### Legislative Narrative

The Texas legislature meets biennially on odd numbered years.

In the 1971 session, the legislature voted to expand its financial aid program. Texas began a plan for aid from public funds to residents attending private colleges; at the same time tuition was increased in state-supported colleges. Texas's plan of tuition equalization grants provided a maximum of \$300 per semester or the student's need. Eligible students could attend either private or church-related colleges (Morehead, 1971, p. 22).

The 1971 session approved three upper-level institutions and one upper-level branch: Tyler State College, Texas A & I at Corpus Christi, University of Houston at Clear Lake, and East Texas State at Texarkana.

The legislature rejected a bill to add students as non-voting members of the University of Texas Board of Regents. Money was appropriated for the Coordinating Board to contract with private colleges for medical, dental, and osteopathic training (Morehead, 1971, p. 24).

The legislature did not approve the Coordinating Board's recommendation that the community colleges be responsible to

the Board for finance as well as programs, including vocational-technical education. However, a thorough study was requested from which recommendations would be presented to the legislature in 1973 (Bevre, 1971, p. 122).

The Coordinating Board, during 1971, emphasized economics and accountability. According to their report, they responded to the legislature on these projects:

1. New formulas for financing public senior colleges and universities
2. The financing and governance of community colleges
3. Administrative costs and responsibilities
4. Increase in tuition fees at state-supported institutions
5. Providing grants for students to attend private colleges
6. Modifications in the state student loan program to qualify for participation in the federal guaranteed loan program
7. Creation of new upper-level institutions
8. Development of new management information systems
9. Development of a system of accountability for colleges and universities
10. Space utilization at academic institutions

(Bevre, 1971, p. 121-123)

The governor vetoed the second year of the two-year budget in an attempt to curtail spending. A special session then had to be convened in 1972. Much of the financial bickering in the 1971 session had resulted from a political fight between the governor and the lieutenant governor. Legislation, with the governor's support, had omitted college faculty from

the pay increases authorized for state employees. However, according to Morehead (1971), the appropriations bill did not allow governing boards to increase pay in higher education wherever funds can be obtained from such methods as increasing the pupil-teacher load or by economics (p. 24).

During the special session in 1972, the legislature approved a 9.1 percent increase for higher education. Funded were programs for aiding private colleges in training medical practitioners; the legislature did not fund the cost of educating all students attending private schools, however (Morehead, 1972, p. 51).

Once more, faculty were not treated kindly; the appropriations bill earmarked funds for a 6.8 percent increase only in nonfaculty salaries (Morehead, 1972, p. 51).

The governor vetoed funds for the establishment of five junior colleges. According to the governor, these were "pork barrel" legislations and needed to be studied further by the Coordinating Board (Morehead, 1972, p. 51).

Texas had been involved in a controversy about establishing a veterinary school. The governor wanted one at his alma mater; supporters of the Texas A & M veterinary school contended that another was superfluous. The legislature resolved the matter by a rider on the appropriations bill that stated, "funds appropriated to the prospective medical school at Texas Tech, Smith's (the governor) alma mater, could be expanded for human medical educational purposes only" (Morehead, 1972, p. 52).

In the 1973 biennium, the legislature increased educational funding by 30.3 percent while drawing the line on educational growth. The Senate called for a moratorium on expansion until the Coordinating Board could submit a plan for needs up to 1980 (Bevre, 1973, p. 71). The Board had recommended such a holding pattern because the legislature had been authorizing new campuses and centers with little coordination. The legislature, again at the urging of the Coordinating Board, mandated that the University of Texas branches already authorized would be upper level or senior institutions (Morehead, 1973, p. 6). In another strong stand, the Board recommended no new law schools, although several were requested.

Texas continued to expand its support of private education within the state through contracts for special training and tuition grants to needy students in private colleges. Twelve million dollars was appropriated to fund equalization grants in 1973-1975 (Bevre, 1973, p. 73).

In response to the question of whether to build another veterinary school, Texas legislators continued to say a vocal no. Instead, they appropriated money to Texas A & M's veterinary school to build a lab in a critical cattle locale.

Since each of the 44 community college districts had its own board and legally defined district, during 1973 the Coordinating Board worked on developing plans for how to coordinate courses offered outside the district. According to the Board's report (1973), "the new procedures represent a

significant accomplishment in regional cooperation and coordination among community colleges" (Bevre, 1973, p. 71).

Although the Texas legislature did not meet in 1974, several important actions occurred. A constitutional convention was convened to rewrite the 1876 constitution; much controversy centered around the issues of structure, governance, and finance. After seven months of work on the constitution, agreement never materialized, and the revised constitution was not offered to the Texas voters for approval. One proposal in the revision was the State Higher Educational Assistance Fund, established as a trust to support physical expansion rather than maintaining the Permanent University Fund in the 1876 Constitution (Morehead, 1974, p. 49). A second contested proposal was the conversion of the Coordinating Board from a statutory to a constitutional agency charged with controlling the proliferation of institutions and programs. According to Morehead (1974), this was defeated because of opposition from the University of Texas supporters who wanted continued expansion (p. 50).

The Coordinating Board during 1974 conducted an examination of the postsecondary educational system with results to be presented to the Senate in 1975 (Bevre, 1974, p. 281).

The constitutionality of the Tuition Equalization Grants Program was questioned. According to the Board's report, the attorney general issued an opinion confirming the constitutionality of the aid program, but the Board revised some of

the regulations to conform with the judicial interpretations (p. 283).

Since the constitution revision process was sandbagged, the governor promised that the 1975 session would be an education legislature. The governor expected to have proposals ready for "restructuring public education to improve quality and give greater attention to career training in the face of shrinking enrollment" (Morehead, 1974, p. 46).

In 1975, the Texas legislature passed TX SB 706 1975 to strengthen the Coordinating Board. The passage of SB 706 was a test of wills between the governor, who favored it, and the institutions, which did not. The legislation was the culmination of a fight of 20 years standing; the Board now had teeth. The impetus for the successful legislation in 1975 was economic; according to Morehead (1975), the cost of higher education had increased 376 percent over the preceding decade (p. 57). To many legislators, higher education was on a stampede with little control in sight.

SB 706 1975 delegated these additional powers to the Coordinating Board, Texas College and the University System:

1. Authorizes the board to make recommendations to the legislature with respect to maximum enrollment limits.
2. Board approval is required before an approved degree or certificate program may be expanded. . . .and before off-campus courses for credit may be offered.
3. Board is also authorized to contract with the state board of education for the assumption of administrative responsibilities for technical-vocational education programs in public post-secondary community colleges, technical institutes and other eligible public postsecondary institutions.

4. In order to assure efficient use of construction funds and the orderly development of physical plants, SB 706 authorizes the rehabilitation of all buildings and facilities financed in whole or in part with state funds, regardless of the proposed use of the facilities, unless the project has been specifically approved by the legislature.

In other extensions of authority, community colleges were required to submit to the Coordinating Board for approval of additional campuses (HB 2061 1975).

TX HB 688 1975 established the Texas Assistance Grants Program to be administered by the Coordinating Board. The program awarded grants of up to \$1000 each for needy students attending approved public and private institutions. The Coordinating Board was also charged with setting minimum standards for courses at private schools whose students received these grants.

Ironically, the 1975 Texas Legislature submitted the proposed constitution to Texas voters, a feat it had found impossible to accomplish the previous year.

In other 1975 actions, the moratorium on new degree programs and administrative changes was continued until completion of the role and scope study and information on the availability of state funds.

SB 706 created immediate controversy. The legislature had awarded to the Board approval over all major construction projects, regardless of the source of funds or the use of the building, except projects specifically authorized by the legislature. Following this mandate, the Coordinating Board developed criteria for gaining approval; such criteria

included several financial considerations. In early 1976, the attorney general ruled that the Board could not consider costs in its criteria for approval (Bevre, 1976, p. 212).

To circumvent the Board's new role in capital expenditures, 130 construction projects were added as riders to the appropriations bill. The governor promptly vetoed these riders, stating they were "contrary to the spirit of the Coordinating Board bill" (Bevre, 1976, p. 212). The Texas Supreme Court, however, ruled in January 1976 that the governor had overstepped his bounds with the veto. Thus, the struggle continued.

In 1976, the struggle lessened; the governor acted more in agreement with the legislature. The construction issue was resolved rather simply; any project over \$500,000 had to have Coordinating Board approval (TX SB 450 1977).

Another effort at standardization erupted with pressure from the governor and the legislature, who were convinced that the university faculty were not teaching enough hours. A study was requested from the Coordinating Board establishing workloads and a procedure for institutional reports (TX HB 1012 1977). Another study assigned to the Coordinating Board was one to analyze the financial structure of higher education, with any new formula for implementation in 1981 (Bevre, 1977, p. 102).

In a regional arrangement, the legislature voted for Texas to join the Academic Common Market (TX HB 789 1977). Texas continued its generous aid to private and parochial



colleges through the Tuition Equalization Program. The total funded was \$10.5 million with a maximum of \$1000 per student (Morehead, 1977, p. II-16).

During the off-season of 1978, the Coordinating Board continued its implementation of SB 706 for strengthening accountability and controlling construction.

In 1979, fireworks sparked as a new republican governor cut \$25 million from the 1979-1981 biennial budget, most from capital projects. The most controversial postsecondary education proposal was a constitutional amendment to replace a 10 cents per \$100 ad valorem tax for construction at institutions not benefitting from PUF with a similar amount from general revenue. Officials thought the tax no longer necessary. Representative Wayne Perreto had filed suit against the tax, stating it was discriminatory. He asked the suit be dismissed after his tax reform bill was passed (Morrison, 1979, p. 43). A satisfactory solution did not result from the 1979 legislature.

After the Coordinating Board recommended against increased construction, the legislature approved numerous projects. Concurrently, enrollment at public institutions declined. Texas legislators increased the amount to be paid to students enrolled at approved private colleges to a maximum of \$1250 per year.

The Coordinating Board recommended the creation of no new institutions, a recommendation accepted by the legislature. The Board also adopted rules for monitoring quality in

nontraditional programs. The rules, for example, banned external doctoral programs (Bevre, 1979, p. 237).

### Conclusion

Texas ended the decade with its complicated structure for postsecondary education still intact: the University of Texas system under a Board of Regents (11 campuses), the State Senior College system under a Board of Regents (four campuses), the Texas A & I University system under a Board of Directors (three campuses), individual state universities, and community colleges under local boards (47). All of these were under the coordinating Board, Texas College and University System.

### Virginia

Education in Virginia was as distinctive and varied as the traditions of the state; whatever a student was seeking would almost certainly be somewhere in the state system. Coordination at the state level, however, had been often in name only. Gradually the State Council of Higher Education gained additional strength until, by 1974, it possessed power in budget, planning, and programs.

### Background Information

The State Coordinating Council of Higher Education for Virginia was created by statute in 1956 "to promote the development and operation of a sound, vigorous, progressive, and

coordinated system of higher education in the state of Virginia" (Chambers, 1970, p. 383). The nine members, all lay, were appointed for four-year terms by the governor with approval by the general assembly. The State Council, as originally established, had little power. It could, for example, limit new programs to meet master planning constraints but only if the governor approved. In budget, the separate institutions submitted requests to the Council who then forwarded the original requests as well as any suggested changes to the budget office. The institutions retained the privilege, and the power, to appeal to whomever they chose for redress. According to Chambers (1970), the Council had been established to "operate in a manner tending to preserve the individuality, traditions, and sense of responsibility of the respective institutions" (p. 384).

In 1966, the legislature passed a Community College Act, resulting from recommendations presented by the Higher Education Study Commission of 1964. The Commission recommended a state-wide community college system as its first priority; the legislature agreed, creating a State Board for Community Colleges with extensive governance power and control. Only local advisory committees were maintained. The Board had 15 members, appointed by the governor for four-year terms. The system was coordinated by the State Council of Higher Education. By 1972, Virginia was supporting 23 community colleges (Chambers, 1974, p. 253).

The Commission also recommended, as its second priority, developing another four-year college; George Mason College, a two-year college was converted. In 1964, three colleges were removed from the State Board of Education and provided with separate governing boards, and Radford College was split from Virginia Polytechnic Institute for governance purposes. By 1969, Virginia had 13 state-supported colleges, ten of which were considered main campuses with separate governing boards entitled Board of Visitors (Chambers, 1970, p. 383). A Board of Visitors had 11 to 15 members appointed by the governor for four-year terms. According to Williams (1971), "the powers of the governing boards of each institution are not impaired except as this legislation confers such powers upon the Council" (p. 179).

#### Legislative Narrative

The Virginia General Assembly adjusted its session to meet annually. On the even year the main session with budget powers would occur; on the odd years would be a short session for changes, revisions, and emergencies.

The 1970 Virginia General Assembly in its Appropriations Act funded the conversion of Richard Bland College from a two-year to a four-year institution. Richard Bland, predominantly white, was located only seven miles from Virginia State College, a four-year, predominantly Black institution. Black faculty members and students, as well as students from high schools, sued the State Council of Higher Education and others to

"enjoin escalation of the predominantly white college from two-year institution to four-year college" (Norris v. State Council of Higher Education et al. 327 F. Supp. 1368, 1971).

The District Court concurred, contending that

where escalation of predominantly white two-year state-supported college to four-year degree granting college would serve to perpetuate state-supported racially identifiable dual system of higher education, escalation violated the Fourteenth Amendment (327 F. Supp. 1368, 1971).

The United States Supreme Court affirmed the decision.

In 1970, a management improvement study was conducted. In the final report, 67 recommendations related to higher education, but none related to the coordination or governance structure.

The primary issue in 1972 for Virginia was grappling with how best, and how legally, to aid private colleges. Of the 26 members of the Council of Independent Colleges in Virginia, 18 were experiencing financial difficulty. The Council recommended to the legislature a bill authorizing \$800 per year to 5000 students in private institutions to be awarded regardless of need. Another proposal recommended grants to residents attending either public or private colleges, if need could be proven.

The State Council of Higher Education (SCHE) backed the second proposal. Both bills were passed, and sufficient money appropriated to guarantee constitutional tests on aid to private colleges with religious affiliations. In terms of

governance, the second bill required centralization under the SCHE.

In 1972, the Attorney General filed suit against the Comptroller to determine the validity of Virginia's tuition assistance program. In Miller v. Ayres (191 S. E. 2d 261), the Virginia Supreme Court ruled the statutes for the tuition assistance at private institutions violated the Virginia constitution. The constitution provided for the use of state money for loans for students "attending nonprofit institutions of higher education" (p. 262), and the Court ruled such gifts or grants to students at sectarian institutions was unconstitutional.

A secondary issue in 1972 was the role of the SCHE in the future of Virginia's educational system. A Virginia Advisory Legislative Council report contended that Virginia was pricing its citizens out of the education marketplace. With tuition already higher than other surrounding states, inflation a reality, and students waiting in line to be educated, legislators were not certain who, if anyone or any agency, was in charge of education. One typical solution was a bill proposing a consolidated governing and coordinating board for all levels of education--a superboard (Cox, 1972, pp. 18-19). The proposal was not successful. Instead, a committee was charged with studying the financing and planning of higher education.

The SCHE received a small crumb, foreshadowing more of the cookie to come later. A law was passed requiring the SCHE

to study the proposal before any additional education unit -- be it branch or center--could be established. Cox (1972) explained the measure "minutely increased the authority of the state council" (p. 19).

Since neither aid bill passed in 1972 had been ruled constitutional by the Supreme Court of Appeals, the 1973 off-year session tried again to provide remedy in the area of private education. The legislation passed the Private College Tuition Assistance Act providing loans for any resident, if he or she was a freshman at a private, non-church-related college. The College Student Assistance Act provided funds to needy freshman students attending either public or private colleges (Cox, 1973, p. 22). The Supreme Court of Appeals had ruled the programs established in 1972 were "vehicles for handing out free gifts" (Cox, 1973, p. 22). The 1973 programs developed methods of repayment other than cash, in an attempt to respond to the Court's objections.

In 1973, in Miller v. Ayres (198 S. E. 2d 634), the Supreme Court of Virginia ruled that residence in the state or active duty in the armed services or employment by the nonpublic sector were not "acts substantially following example of public services to the Commonwealth by the constitution, so that statutes were unconstitutional to that extent" (p. 634).

The SCHE supported an assistance program based on need and administered centrally by the Council. Cox (1973) reported:

State Council spokesmen on the floor of the assembly did embrace the public-and-private college approach, tying help to demonstrated need and erecting for the first time the statewide, central administered program that the state council believes will probably be required by the Educational Amendments of 1972 passed by Congress last June (p. 22).

Additional support for private institutions resulted from two pieces of legislation. One resolution proposed amending the 1971 Constitution, not just to permit but to authorize loans to private college students. The second legalized State Board of Education scholarships to students in non-parochial private colleges.

The SCHE was awarded additional powers once more, this time in adult, continuing education and off-campus education. The Council recommended that the state be divided into six consortia regions, for both the private and public institutions, to provide educational access, maximize coordination, and prevent duplication (Cox, 1973, p. 25).

The Higher Education Study Commission, charged in 1972 in VA SJR 21, did not report by the 1973 session. However, the Commission was expected to recommend increasing the SCHE's control. According to SCHE's annual report, the Council had "adopted a position statement in May 1973 endorsing a strengthened coordinating state system of higher education" (Bevre, 1973, p. 70).

Another committee, set up in 1973, was asked to study whether Virginia should establish a school of veterinary medicine, instead of continuing to subsidize most Virginia students to attend school in other states under a contract arrangement.



In an educational controversy peripherally related to governance, the General Assembly refused to change the Board for Community College's decision to replace tenure with a contract-evaluation plan. Such a decision emphasized the position of strength from which that Board made its decisions.

In 1974, the governance-coordination structure in Virginia was revised (SB 121). A superboard with statewide governing responsibility was rejected in favor of a stronger coordinating council with "still more power than most college presidents wanted" (Cox, 1974, p. 53). Basically, the SCHE received increased responsibilities in budget, academic programs, planning, facilities, enrollment projections, and budget review.

The Higher Education Study Commission in its report criticized the state institutions for empire building and sloppy management. It charged that \$80 million had been wasted on classroom space alone (Cox, 1974, p. 54). The report also contended that Virginia's 39 public colleges were too many; the Commission recommended a merger of Radford and Virginia Polytechnic Institute. The merger failed when at a public hearing, according to Cox (1974), "no Commission members would admit at the hearing that he ever favored merger and the bill was killed" (p. 54). Perhaps the Commission was guilty of sloppy management.

The governor recommended an amendment, which clarified the power in the state. The amendment, accepted by the legislature, stated that the General Assembly retained the prerogative to review SCHE's policy decisions and that the

individual colleges would continue to control hiring of teachers and selection of students (Cox, 1974, p. 56).

In addition to changes for the SHEC, some other important issues emerged. The Virginia Plan for Higher Education, the ten-year master plan, was published and presented to the General Assembly. According to the SCHE's annual report (1974), the plan identified goals, set proposals for achieving the goals, and listed planning statements for each school (p. 286). Virginia joined the bandwagon by deciding to build the state's own school of veterinary medicine. HB 147 established a private college advisory committee to advise the Council on joint activities.

A District Judge had ruled Virginia's desegregation plan unacceptable; that decision was upheld by the U.S. Court of Appeals which said, "the problem of integrating higher education must be dealt with on a statewide, rather than a school by school basis" (Cox, 1974, p. 56). Virginia's argument was that since each school was governed by its own board rather than a state board, desegregation remained an institutional issue.

The Virginia voters approved a constitutional amendment (Section II, Article 8) permitting grants to students in private colleges.

In 1974, Virginia had decided to establish its own veterinary school. The 1975 General Assembly took away the money previously appropriated for planning. McCreary (1975) reported:

The governor and the State Council of Higher Education had insisted repeatedly that consideration of a proposed veterinary medicine school--its planning, financing, and operation--should be considered within the context of the traditional regional perspective of sharing of facilities and programs among Southern states (p. 14).

That time the legislators seemed to listen.

The 1975 session provided a test for the revamped SHEC. The Council had denied George Mason University the privilege of establishing a law school, much to the dismay of legislators from the northern section of Virginia. Advocates of guaranteeing that each section of the state should have a full complement of facilities accused the Council of "supporting a quasi monopoly which would protect lawyers from the competition of additional law graduates" (McCreary, 1975, p. 15). The SHEC responded by saying that the state did not have sufficient resources to establish "expensive graduate and professional degree programs at every regional institution and that such programs must be a state resource and not merely regional resources" (McCreary, 1975, p. 16). The SHEC won the skirmish, but the war was still in doubt.

Four major pieces of governance legislation in 1976 included authorizing a feasibility study on establishing a regional college of optometry in cooperation with adjacent states, having the Secretary of Education sit as a member of the State Council of Higher Education, the State Board for Community Colleges, and the State Board of Education, establishing a Board of Visitors for Christopher Newport College, and

directing SCHE to develop an articulation agreement for students transferring from community college to four-year institutions. The SCHE had recommended against including the Secretary of Education on the various boards, arguing that a conflict of interests would occur if the secretary sat as "a member of the community college board and the council, which makes recommendations to the governor and the legislature on the statewide community college budget" (McCreary, 1976, p. 13). The State Bill 315, which reorganized the executive branch, passed with the provision regarding the Secretary of Education deleted (Virginia Higher Education, 1976, p. 4).

George Mason University once more requested a law school and once more was defeated.

In fiscal matters, the 1976 session was the first in which SCHE provided to the governor and the General Assembly recommendations on institutional budgets based on formula. Operating funds for the 1976-1978 biennium increased by 33 percent (Virginia Higher Education, 1976, p. 7).

The student assistance programs administered by the SCHE also benefitted from legislative largess. The Tuition Assistance Grant and Loan Program for private college students was converted to only grants and increased by 100 percent. The College Scholarship Assistance Program, based on need and for public and private college students, was increased by 70 percent (Bevre, 1976, p. 217).

The SCHE evaluated programs in the community college system. Ten were discontinued by the Council; twelve others were discontinued by the Community College Board.

The 1977 General Assembly was without controversy. Because of revenue shortfall, appropriations were cut by \$1 million for institutions whose enrollment had not reached projections (McCreary, 1977, p. I-2).

In related governance issues, the legislature awarded to the SCHE additional authority to regulate out-of-state institutions operating in Virginia (VA H 1961 Ch. 625 1977), directed the SCHE to study grade inflation and report on its effect on quality, and passed a "resolution expressing the opinion of the General Assembly that the State Board for Community Colleges is in the role of a statewide institutional governing board rather than a separate state agency" (McCreary, 1977, p. I-3). That meant the SCHE functioned in relation to the Board as it did with the institutional governing board in the state.

A bill to add students as voting members to boards of visitors never got out of committee. And, once more, George Mason University was denied a law school. SB 269 mandated a study on whether to establish a school of optometry. HB 1519 enabled the state to enter into contracts with private colleges.

In 1978, higher education issues were lightly regarded. One interesting action was an initial appropriation for a regional school of veterinary medicine located at Virginia Polytechnic Institute, if certain specified criteria were met.

One bill, not passed but carried over for further study, would have created a Department of Educational Authorities to manage the ever growing student assistance programs. These were controlled by SCHE. Another bill in a similar situation would have required the Council to review graduate programs for decisions on whether to continue them. The Council urged the proposal be carried over for more study (McCreary, 1978, p. I-13).

Once again, George Mason University proposed a law school, this time proving perseverance pays off. The SCHE was requested to study whether a law school could be established by an affiliation with a private school in the area (Bevre, 1978, p. 117).

In an issue of eventual consequences to postsecondary education, Virginia approved a requirement for statewide testing for high school students.

In 1978, the state and the Office for Civil Rights agreed on a revised Plan for Equal Opportunity in State Supported Institutions of Higher Education (Bevre, 1979, p. 118). The plan would be monitored by the SHEC.

In 1979, the key issue was a merger of George Mason University with an unaccredited private law school, which created Virginia's third publicly-supported law school. The Council had contended through the entire three year discussion that a third school would be a duplication. McCreary (1979) summarized the factors, so typical of many decisions in higher education, relevant to this decision:

It is impossible to know the importance of the various factors cited which included: the large pool of residents of the Northern Virginia-District of Columbia area who want part-time legal education, and want it at a price less than that of the private D.C. law schools; the fact that the senior state senator from Northern Virginia announced his retirement and made the law school his highest priority; the "gift" nature of the school with valuable land adjacent to a new Metro rapid transit station included; the importance of Northern Virginia in the future plans of both political parties as evidenced by the testimony for the law school by the Democratic Lieutenant-Governor and Republican Attorney General, the favored 1981 gubernatorial standard bearers at this point; and possibly vote trading among rural and urban legislators following the Assembly's overwhelming vote last session for a college of veterinary medicine (p. 3).

The Politics and Procedures for Approval of Academic Degree Programs, developed by the SCHE, was initiated in 1979. The plan provided a process for development and approval by the Council of programs.

### Conclusion

Virginia, during the 70s, followed a now-familiar pattern: a weak coordinating council, attempts to convert that council into a superboard, and conversion of the council into an agency with extended authority in budget, plans, and programs. In spite of such organizational changes, political infringement, related to law schools and veterinary schools, continued to occur.

Summary

In each of the ten states beginning the 70s with a coordinating board, an evolutionary process occurred. In no state was there a return to a voluntary system of coordination. Rather, the move was to coordinating boards with increased authority, especially in the areas of budget, program review, program approval, and planning. This trend toward increased authority for coordinating boards was noted in eight of the ten states reviewed in Chapter III: Alabama, Arkansas, Kentucky, Maryland, South Carolina, Tennessee, Texas, and Virginia.

In two of the ten states, North Carolina and Louisiana, the evolution proceeded further. The North Carolina Board of Higher Education was replaced, in 1971, by the systemwide Board of Governors. Institutional boards were maintained to assume whatever tasks were delegated by the Board of Governors; to these boards were delegated significant responsibilities. The Louisiana Constitution was amended in 1975 to create a Board of Regents to coordinate and govern the system; three sub-boards were maintained for day-to-day decisions and to these boards was delegated substantial authority.

In both Louisiana and North Carolina, the only two of the ten states to change in concept, a system initially criticized as cumbersome and feared as over-centralized appeared effective because of the sub-boards or institutional boards and the actual authority invested in them.



## CHAPTER IV

### STATES WITH STATEWIDE GOVERNING BOARDS

The legislative activities during the 1970s in the four states of the southern region that began the decade with systemwide governing boards are analyzed in this chapter. These states, listed alphabetically, are Florida, Georgia, Mississippi, and West Virginia.

#### Florida

The governing boards of Florida's three extant institutions--the University of Florida, Florida State College for Women, and Florida A. and M.--were abolished in 1905 by the Buckman Act and have not been restored.

#### Background Information

Based on the 1905 decision, one made in this century but very early in Florida's growth and development, the institutions were placed under a Board of Control. The Board of Control had seven members, all appointed by the governor. Hardly autonomous, the Board was responsible to the State Board of Education, comprised of the governor and members of the elected cabinet.

In 1965, the Board of Control was reorganized into the Board of Regents via a constitutional amendment voted on in 1964. Membership was increased to nine members,

all appointed by the governor but subject to the approval of the Board of Education and the Senate. Terms were also lengthened to nine years, hopefully preventing all members from being chosen by the same governor. The Regents remained, however, but subject to the State Board of Education which

approves or disapproves each appointment to the Board of Regents, and may remove members for cause, approves all rules and regulations of the Board of Regents before they are filed with the secretary of state, and at all times exercises general supervision and control over the Board of Regents (Williams, 1971, p. 45).

The Board of Regents was charged with these responsibilities:

1. To establish the policies, rules and regulations under which the university system shall be maintained and operated by the respective heads of the institutions and agencies . . . .
2. To appoint and to remove the chief executive officer of the Board's staff and the head of each institution or agency in the state university system.
3. Subject to the provisions of existing law, to review, amend and approve all budgets in the state university system.
4. To review all matters appealed to it in accordance with procedures prescribed by the Board.
5. To approve the programs of institutions and the different branches of learning to be offered and maintained at each of the several institutions, and to alter and change the same.
6. To prescribe minimum standards for admission of students to all institutions supervised . . . .
7. To coordinate all programs under its jurisdiction in order to insure their efficient administration.
8. To conduct, through its staff, continuous studies of each institution to determine whether the policies and regulations of the system are being followed, and to determine how efficient and effectively the staff and faculty are being used.
9. To conduct a space utilization study . . . .

10. To conduct through its staff, continuous studies of the immediate and future needs of the state in higher education . . . .These studies shall consider the need for new institutions and the place of the private institutions in relation to the state program.
11. To provide and coordinate credit and non-credit extension courses in all fields . . . . (Williams, 1971, pp. 45-47).

These statutory provisions for the Board of Regents were located in Florida Statutes Annotated, Section 240.001-240.221.

By 1972, the State University System under the Board of Regents comprised nine universities, four of them senior institutions. The Regents have no responsibility for the system of community colleges in Florida. The community colleges have local district boards of trustees, with coordination at the state level through the Division of Community Colleges, also responsible to the State Board of Education.

Chambers (1970) evaluated the Board of Regents:

The eventual outcome over future years, one might hope, would be the creation of a governing board for each of the universities, and the limiting of the powers of the state-wide Board of Regents to the functions of state-wide liaison, public information, fact-gathering surveys, and recommendations. Lacking this, or until it occurs, it is all the more important that the Board of Regents and its staff should limit themselves to larger matters of state-wide concern, abstain from impulsive and ill-considered authoritarian bureaucracy wholly inimical to the genius of university education, and devote itself to cultivating understanding of the nature and role of higher education among the politicians and the public, and improve morale among faculties, students, and friends of the universities (pp. 96-97).

#### Legislative Narrative

The Florida legislature met in annual sessions during the 70s. In 1970, the Board of Regents staff with institutional

representatives prepared the Comprehensive Development Plan of the State University System of Florida, a general statement of goals and problems.

The Board of Regents requested of the 1970 legislature more autonomy. The 1969 governmental reorganization placed the Regents into the Division of Universities within the Department of Education and under the Commissioner of Education. The Regents "contended that the placing of the Division of Universities within a centralized Department of Education would decrease managerial accountability and effectiveness" (Bevre, 1970, p. 58). The legislature did not agree. During that same session, the legislature emphasized the Regents' less than autonomous role by "limiting the rate of growth of graduate enrollments and appropriating operating funds on the basis of three-quarter averaging of enrollment" (Bevre, 1970, p. 58).

During 1970, the Board of Regents began developing a plan for compliance with Title VI of the Civil Rights Act of 1964. Basically, the Board worked toward cooperative programs among Florida State University, Florida A. and M., and the University of Florida, following this rational prepared by the Institute of Higher Educational Opportunity for the Southern Regional Education Board:

Creation of a unitary system requires interinstitutional cooperation and statewide planning of the highest order attainable, and that there are certain inherent problems in maintaining quality standards under an equal opportunity program which can be overcome by expanded interinstitutional cooperation between predominantly white and black institutions in proximity and by other actions (Bevre, 1970, p. 59).

The 1971 session was controversial, for both the Regents and the institutions. A bill passed by the Senate but not voted on in the House recommended abolishing the Board of Regents in favor of a chancellor for the system to report directly to the State Board of Education without the intermediate step of the Regents (Schultz, 1971, p. 26). In spite of the bill's defeat, sentiment was sufficiently strong to allocate \$50,000 for a citizens' study committee to report on education to the 1972 session (Bevre, 1971, p. 97).

Tuition was increased, as were out-of-state fees. Budget for the overall system was raised by \$5.9 million, most of which was earmarked for the opening of two institutions. The student loan program was authorized to include students at state universities, junior colleges, and private colleges and universities.

Several bills during the session illustrated the legislative role in higher education. A bill passed requiring full-time university faculty to teach 12 contact hours and community college faculty 15 contact hours (Schultz, 1971, p. 27). A proviso to the appropriations bill stated that tenure should be granted primarily on teaching ability rather than administration and research. The legislature also directed the Senate Committee on Universities and Community Colleges to investigate the moral climate on the campuses.

Funds were allocated in the appropriations bill for the possible merger of existing schools, particularly Florida

International University and Florida Atlantic University.

Schultz (1971) reported:

Specifically exempted from the provision, however, were Florida State University and Florida A and M University in Tallahassee. Florida State is predominantly white and Florida A and M is predominantly black, and there has been opposition to the frequently suggested merger of the two institutions by members of both races (p. 28).

The Regents, in their role, established a moratorium on new doctoral programs and developed minimum standards for admission of students to graduate schools. The legislature established a State Board of Independent Colleges and Universities to license nonpublic colleges. In its 1971 report, the Board summarized the session:

The 1971 legislature subjected the State University System and the Regents to much closer scrutiny than ever before. Underlying factors were forecasts of soaring enrollments and costs in higher education in the decade of the Seventies, public concern over radical speakers on campus, campus disturbances across the nation, dormitory visitation policies, and faculty research activities (Bevre, 1971, p. 97).

The portent for the rest of the decade was gloomy.

Florida's governor presented an extensive educational reorganization plan to the 1972 legislature (SB 706). The proposal recommended abolishing the Board of Education, shifting the responsibility for public education to the governor, eliminating the Regents, and creating a lay board to coordinate all public education. The bill, which would have required voter approval for a constitutional amendment, failed to pass the House (Schultz, 1972, p. 23).

In fiscal matters, the University System received an additional \$29.4 million, allocated to the Regents in a lump

sum. Included were funds for a new dental school at the University of Florida and planning money for a new school of veterinary medicine, also at the University of Florida (Schultz, 1972, p. 24).

The legislature requested the Regents to determine if the state needed a third public law school. In other actions, the legislature moved against private schools that had not responded to the State Board of Independent Colleges. A bill that failed, but barely, would have required the Regents to develop three-year degree programs.

The report of the Senate Universities and Community Colleges Committee featured 19 recommendations. Schultz summarized this report, which provided an insight to the legislative collective consciousness regarding education:

Special areas of concern enumerated by the committee included what it called the "open bedroom" policy permitting male-female dormitory visitations, campus drug abuse problems, obscene language in campus publications, a preponderance of "liberal, leftist, or radical" speakers on campuses, the tendency of the tenure system to shield incompetent faculty members from dismissal, non-uniform policies and pay-scales throughout the university system, and failure of the universities to operate on a truly year-round basis (1972, p. 25).

The 1973 session focused on fiscal matters, with most educators pleased over allocations. Among appropriations was \$10 million for constructing a new college of veterinary medicine at the University of Florida (Schultz, 1973, p. 11).

The prime piece of legislation was the "Ominibus Education" bill (SB 622). Three provisions of significance to

the relation between the system and the legislature were these:

1. Permitting the use of "equivalent teaching faculty" in the computation of the minimum 12 hours of classroom contact for faculty members;
2. Requiring the Regents to establish procedures for assigning duties and responsibilities to faculty members and emphasizing quality teaching as the major factor in salary, promotion and tenure;
3. Establishing teacher education centers, with pre-service education responsibilities assigned to universities and in-service responsibilities assigned to district school boards (Schultz, 1973, p. 11).

Continuing its attempt to regulate so-called "diploma mills," the legislature exempted parochial colleges from the State Board of Independent Colleges and Universities.

The Board of Regents developed a prior authorization policy for new degree programs. Based on the 1972 study, institutions were encouraged by the Board of Education to foster time-shortened or accelerated programs. Another Regents' accomplishment were cooperative programs, such as dual enrollment programs between universities and community colleges, a common course numbering system, and common transcripts (Bevre, 1973, p. 43).

The United States Department of Health, Education, and Welfare announced its intention to withhold federal funds unless the state developed a satisfactory desegregation plan. Florida's plan revised the mission of Florida A. and M. University and recommended methods of attracting more Black students to the schools predominantly white and more white students to A. and M. In the plan, "university and state



officials have strongly affirmed their support for retaining Florida A. and M. University's special role as a symbol of black achievement" (Bevre, 1973, p. 44).

During a special session in 1973, the legislature appropriated \$9 million for construction of the Phase II medical school at the University of South Florida. The federal government and the state had jointly funded Phase I. When federal funds were no longer available, the state assumed the costs itself (Schultz, 1973, p. 27).

The 1974 session continued the struggle between the legislature and the Regents for control over educational decisions. In its budget process, for example, the legislature mandated that the Regents must have approval from the legislature before any new college or program could be established. Evidently, the legislature believed that it, not the Regents, should make such decisions. The governor, however, vetoed the bill; he issued this statement:

The planning, analysis and change in academic programs in the State University System is a continuous year-round process. Both the time when decisions need to be made and the nature of academic decision making do not lend themselves to the legislative calendar or the legislative process (Schultz, 1974, p. 1).

In three other matters, the legislature attempted unsuccessfully to overturn the fees established by the Regents. A bill to require the students to be appointed to the Board of Regents and community college boards of trustees was also defeated. The legislature appropriated money to acquire New College, as an addition to the university system for the populous Tampa-Sarasota area.

Money and control were again featured in the 1975 Florida legislature. Rather than force budget cuts by an amendment to the appropriations bill, the universities agreed to trim their budgets voluntarily. No money was provided for pay raises for any state employees (Schultz, 1975, p. 35). According to the Board report:

Greatly increased flexibility was authorized with the appropriation in response to continuing efforts by the chancellor, chancellor-designate and the Board of Regents to relieve the universities of many burdensome bureaucratic requirements. The appropriation to the Board of Regents was in lump sum for allocation to the various educational and general activities of the universities without restriction except for total dollars and total salary rate (Bevre, 1975, p. 45).

The legislature delegated its powers to the Regents to set fees; the fees were promptly raised. A bill to eliminate the Regents' authority to establish fees was defeated.

Once more, a bill to appoint students to boards failed. Even though part of the state's desegregation plan had advocated new master's programs at Florida A. and M. University, a proposal to transfer the School of Criminology from Florida State was defeated (Schultz, 1975, p. 36).

The legislature approved \$90,000 for planning a school of Osteopathic Medicine at Florida International University. The governor then vetoed the line item because the need had not been established. However, the dental college was expanded, and the construction for the veterinary college begun at the University of Florida.

The Board of Regents began its 1976 report with this paragraph:

The past year in the State University System of Florida has been highlighted by an intense struggle with the 1976 legislature for adequate funding, the initiation of collective bargaining negotiations with a faculty union, expanded efforts to improve management and efficiency and authorization for enrollment limitations (Bevre, 1976, p. 160).

During the 1976 session, the president of the senate in SB 799 (1976) recommended that 80 percent of those admitted to graduate programs be selected by lottery rather than a more objective process. He later reduced the percent to 20; the bill died in any case. The Chancellor of the State University System stated: "Its existence and the related public debate revealed some serious problems in public perceptions about graduate admissions" (Schultz, 1976, p.50).

With support from legislative leaders, the bill to place a student as voting member on the Board of Regents finally passed. But the victory was hollow; the bill was vetoed by the governor. The governor explained his actions "on the grounds it would create a special class of representation on the board and would lead in future years to demands for representation by faculty members and staff as well" (Schultz, 1976, p. 51). The legislature was also unsuccessful in reducing the terms of the regents from nine years to five.

In fiscal matters, the university system received an increase. But in that legislative process, research money was cut so drastically that institutional administrators feared for the future of existing research programs (Schultz, 1976, p. 51). The legislature also appropriated money to plan a school of osteopathy and one of optometry. Neither

of these schools had been authorized by the Regents (Bevre, 1976, p. 161).

Tuition was once more increased by the Regents. However, FL HB Ch. 111 1978 required that, in the future, registration and tuition fees must have legislative approval.

During 1976, the Regents established rules for reviewing procedures and criteria for contracts with Florida colleges and universities for educational services. The Regents also authorized a Citizens' Commission on the Future of Florida's Public Universities to examine issues and report to the Regents in 1978 (Bevre, 1976, p. 162).

The University System officials praised the 1977 session primarily because of increased appropriations totalling \$33.2 million plus an additional \$10 million for library improvement (Lindley, 1977, p. II-25). Unfortunately, salaries were not funded at the level necessary for the Regents to meet the first collective bargaining contract. The Chancellor expressed concern since

the Regents' lump sum money cannot be used to pay salaries because it is strictly categorized, and that it would be up to the Regents to administer salaries at a rate which coincides with the legislative rate, even if it is lower than the percentage agreed to in the union contract (Lindley, 1977, p. II-25).

The legislature did not raise tuition, but it finally approved placing a student on the Board of Regents as a non-voting member with a one-year term (FL HB 2050 77-442 1977).

In an event fairly typical of the Florida legislature's penchant for interference in education, the legislature

attached to an unrelated bill an amendment that would have required every university and community college to set up a screening committee to preview films shown in classes to judge pornography. The Governor vetoed the bill, stating that a university

must be free to cultivate a spirit of inquiry and scholarly criticism--to examine ideas in an atmosphere of freedom and confidence. Government must act with great restraint in considering measures which touch upon the academic atmosphere of a university (Lindley, 1977, p. II-27).

The 1978 legislative session was a positive one for education with few controversial issues and no new taxes. Lindley wrote that "most significant in education funding is that after years of simply staying abreast with increased enrollment, 1978 saw the legislature make a commitment to improving the quality of higher education" (1978, p. II-22). Examples were the second \$10 million for libraries and \$2 million for centers of excellence.

Few governance issues were raised. One bill awarded to the student member of the Board of Regents voting privileges.

A bill proposed by a South Florida senator recommended a study be conducted to determine which graduate programs could be transferred from the University of Florida and Florida State University to more urban areas. The bill, a portent of things to come, was defeated (Lindley, 1978, p. II-24).

Two bills illustrating the attitude of the legislature were introduced but failed to pass. One would have required student evaluations of teachers to be open for public inspection, and the other would have mandated the university prove

the relation between promotion of faculty and evaluation from students.

FL HB ch. 73-208 1978 prohibited the merger of any four-year institutions without legislative approval.

During 1978, the Regents approved policy guidelines for the operation of the State University System. These guidelines were based on certain assumptions significant for the future:

1. That the traditional college-age population will remain relatively static, but the number of lifelong learners and place-bound, part-time students will grow;
2. That there will be no significant increase in the demand for doctoral programs;
3. That budget increases will not be so intimately related to growth as in the past;
4. That there will be a reduction in the rate of new building construction and a more flexible use of existing buildings;
5. That the public will increasingly demand inservice education and will more readily support research to extend the boundaries of knowledge to solve specific problems confronting business and industry, the state and the nation (Bevre, 1978, p. 50).

The 1979 session provided an unusual experience--a \$500 million surplus. The University System received a .22 percent increase for operational funds (Powell, 1979, p. 50).

However, the main activity of the 1979 legislature was the passage of the Postsecondary Education Act (Fl CS HB 1689, Ch. 79-222 1979). Originally, the House version recommended creating boards of trustees for each university campus. On the other hand, the Senate version emphasized a study to recommend changes. The Act established new managerial responsibilities for the university presidents, while creating the Joint Commission on Postsecondary Education to study the state's

total postsecondary system for a 1980 report. All areas of the educational community were included in HB 1689. The Act also established an 11-member Community College Coordinating Board to oversee the state's community college system. To assist private education, the State Tuition Voucher Program was created to provide grants of a maximum of \$750 per year to residents who attend private schools in Florida.

### Conclusion

During the early years of the decade, Florida struggled in each legislative session with minor crises. Toward the end of the decade, both the University System and the legislature seemed genuinely willing to face the major issue: how to reorganize the total postsecondary system in order to respond better to the needs throughout the state for quality higher education.

Millett (1979) reported that the state needed an organization to exercise the following authority:

1. Prepare, update, and revise a Master Plan of state needs and resources for higher education services;
2. Approve all new degree programs to be undertaken by any institution of higher education;
3. Approve all off-campus institutional programs offered by any public institution of higher education;
4. Review all degree programs of all public institutions for quality standards, enrollment size, program effectiveness, and program efficiency, and recommend to the Governor and Legislature the discontinuance of state financial support for ineffective and inefficient program offerings;

5. Develop standards for the current operation support and the capital improvement support of all higher education programs receiving financial subsidy from the State of Florida in terms of adequacy, equity, and organizational support;
6. Develop a uniform management information system;
7. Appoint needed advisory committees;
8. Submit to the Governor and Legislature an annual report on higher education accomplishments and problems (pp. 45-46).

### Georgia

Georgia provided an excellent example of a state with a long tradition of a centralized, constitutional governing-coordinating system. Yet such a state could, quite possibly, also experience conflicts as actors and events changed.

### Background Information

Georgia in 1931 organized its present statewide system of postsecondary education. The legislature eliminated all institutional governing boards, reduced by consolidation the number of colleges and universities to 14, and created a Board of Regents of the University System of Georgia. By 1968, the University System encompassed four universities, 12 state colleges, and nine junior colleges.

The Board enjoyed broad governing and coordinating powers, as well as constitutional autonomy through an amendment to the Constitution, adopted in 1943. Article VIII, Section 4, stated:



The said Board of Regents of the University System of Georgia shall have the powers and duties as provided by law existing at the time of the adoption of this Constitution, together with such further powers and duties as may be hereafter provided by law.

The Board was composed of 15 members, 11 appointed by the governor, one from the state at large, and one from each of the congressional districts. The governor was an ex officio member. Terms of members were for seven years. Title 32 Georgia Code, Section 32.104-32.168, Board of Regents of the University System of Georgia, contained the requisite statutory provisions.

Chambers (1970) evaluated the Georgia Board of Regents quite favorably; he wrote:

From some standpoints it seems that the Georgia Board of Regents may have been subject to less controversial attack, and may have created fewer discords among its constituency, than any other consolidated state-wide governing board in any other state (p. 103).

#### Legislative Narrative

In 1970, the Board of Regents approved six new degree programs and lengthened the probationary period for faculty before tenure from two to three years. Georgia State College was converted to Georgia State University, with the mission of creating a responsive, urban university for Atlanta.

In 1971, the General Assembly treated the University System rather harshly. The system itself received a cost of living increase in operational funds, but the Regents recommendation for salary increases was ignored.

Enabling legislation was passed (S.B. 141) to authorize grants of \$400 per year for students to attend private colleges.

Funding, however, would have to wait until 1972 (Brown, 1971, p. 2).

One bill favored by the Board of Regents but not passed would have permitted the Regents to enter into a contract arrangement with Emory University for medical education.

During 1972, the primary concern of the legislature was government reorganization (SB 199); higher education was unaffected. The appropriations amount recommended by the Regents was reduced by \$41 million, but a 7.5 percent pay raise was retained (Brown, 1972, p. 6). To aid private colleges, the 1971 bill authorizing scholarships was funded.

Added to the University System was Gordon Military Academy, one of Georgia's oldest private junior colleges.

House Bill 161 approved Georgia to be a member of the "Compact for Education" and the appointment of Georgians to the Education Commission of the States.

In 1973, \$10 million requested by the governor for financial aid to students was cut to \$4.2 million. Retained was the tuition grant program, which had been funded the previous year (Leonard, 1973, p. 17). Faculty received a merit raise plus additional benefits designed to elevate the University System to a more competitive stature.

The Regents were authorized to contract with the Southern Regional Education Board for students to attend out-of-state optometry schools at Mercer University; the school was to be funded via a fiscal relationship with

the Veteran's Administration. The System maintained access to other graduate programs through cooperative programs between colleges and universities in different regions of the state.

In terms of quality, the Regents maintained control designed from their perspective to improve education. At least, it forced education to be very similar. Two examples were the core curriculum for all students during freshmen and sophomore years and the competency tests at the conclusion of those first two years (Bevre, 1973, pp. 44-45).

The 1974 session of the General Assembly generated several conflicts. In fiscal matters, the legislature wanted more budget authority to guarantee the Regents would be accountable to the legislature. The legislature, however, was unable to enforce a line-item budget on postsecondary education even though they were successful with other state agencies. According to Lewis (1974), "since the state constitution specifically gives the board complete authority over the university system, attempts to structure strictly the budget failed" (p. 8).

Georgia Code 32-116 stated:

All appropriations made for the use of any or all institutions in the University System of Georgia shall be paid to the Regents with the power and authority in said Regents to allocate and distribute the appropriations among the institutions in such manner and amount as will be further an efficient and economical administration of the University System.

A bill to add a student to the Board of Regents died in the State University System special study committee. Such

an addition would have required a constitutional amendment approved by the voters in a general election.

Politics reared its head, as the senate refused to confirm one of the governor's appointees to the Board of Regents. Evidently, in Georgia, there existed a tradition of senatorial courtesy, allowing a senator to block with impunity confirmation of a nominee from his or her district.

The most controversy, however, revolved around Georgia's school of veterinary medicine. Some legislators did not believe enough local students were being admitted, and their solution was to replace the faculty admissions committee with a special five-member board of admissions, which would consider, rather than only scholastic aptitude, whether "a boy loves beef cattle" (Lewis, 1974, p. 6). The bill passed, only to be vetoed by the governor because of its special interests.

Accountability, particularly in the fiscal area, sparked controversy again in 1975. The General Assembly tried to change the method of appropriating money to the University System, an action viewed "as the first visible sign of a continuing struggle by the state legislature to gain more control over how money is spent for state college" (Lewis, 1975, p. 8). The statutory provision would have had to be repealed for budgeting to be made on a line-item basis. The Legislative, however, possessed other tools with which to flex its muscles. The Regents had approved a law school at Georgia State University, an action unpopular in the

General Assembly. The Regents' budget was cut by an amount sufficient to force a delay in the law school so that the Regents could finance the other parts of the system.

The General Assembly tried also to involve itself in curriculum by objecting to specific programs and to the number of out-of-state students enrolled in high cost programs. Since the legislature had no authority regarding tuition or fees, they wanted to limit the out-of-staters. The legislature also objected to the contract programs with the Southern Regional Education Board for optometry and veterinary medical education.

The legislature, invading another realm, recommended converting Kennesaw Junior College to a four-year school and appropriated money in the overall budget to pay such expenses (House Resolution 549/Senate Resolution 296).

The maximum for tuition grants to students attending private colleges was increased for 1975-1976 to \$600 for freshmen (S. B. 564). The legislature requested the Regents determine the feasibility of a school of optometry and established an advisory board for the college of veterinary medicine at the University of Georgia.

After the legislature had passed the appropriations bill, there was a revenue shortfall. In a special session, the University System's budget was further reduced by \$7 million; then the Regents had to cut money that had been designated for salaries. However, there was an unforeseen

hitch. The faculty in the system had already signed contracts for an amount that included the raise. The faculty then sued for the additional money. In Busbee v. Ga. Conf. Am Ass'n of U. Professors (221 S. E. 2nd 437, 1975), the Superior Court ruled in favor of the plaintiffs and on appeal, the Supreme Court affirmed. The Court declared that the contracts entered into before the funds were reduced through the appropriations bill were valid and binding. Any failure to honor those faculty contracts would be considered a breach of contract. The Court ruled the signed contracts were valid, costing the system \$11.5 million that had to be trimmed from operating budgets. However, some additional funds were awarded from the legislature in a supplemental appropriation.

Other 1976 events included a tuition increase, the second within nine months. The governor recommended these additional funds be reserved each year for annual salary increases; the legislature decided to count that money as part of the extra money the Regents had requested from the General Assembly (Lewis, 1976, p. 17).

Three bills of note did not pass. One would have limited the Regents to raising tuition no more than once in a 12-month period; another would have required line-item appropriations; the third would have established a 1202 Commission (Lewis, 1976, p. 18).

According to the Board's 1976 report, "the most important action was the restoration of the applicability of the doctrine of sovereign immunity to the Board of Regents" (Bevre, 1976,

p. 164). This bill was the result of the successful suit against the Regents over the salary increase.

GA HB 1744 Act 1425 1976 amended the tuition grant program by omitting limitations as to what level students could be included or amounts to be given as long as the range (400-\$600) was honored.

In 1977, salary increases for faculty and staff were the Board of Regents' top budget priority. The General Assembly appropriated funds sufficient to provide a 9.5 percent raise (Christensen, 1977, p. I-6). The tuition equalization program was funded to offer grants of \$500 per student if the student was an undergraduate at a private institution within the state.

Responding to a legislative resolution in 1976, the Board authorized Kennesaw Junior College to become a senior college in 1978. The Board of Regents' report regarded most of the 1977 legislation as routine (Bevre, 1977, p. 51).

Morrison (1978) reported that for the 1978 General Assembly, "if there was an 'everybody' who got a larger share of the appropriations pie than others, it was educators and education" (p. I-1). Education actually was given what it requested.

Georgia's desegregation plan had received Health, Education, and Welfare approval, and money was appropriated for specific programs mentioned in the plan. For example, the Regents requested \$500,000 to recruit minorities into

postgraduate professional programs and \$250,000 to fund summer pre-medical preparatory courses (Morrison, 1978, P. I-2).

The only significant bill related to governance was one that died in committee. It would have allowed the election of a member of the board of Regents from each congressional district.

Higher education continued to fare well in fiscal matters during the 1979 General Assembly. Appropriations totalled \$374 million, including a \$1 million grant for a two-year medical school at Morehouse College, a private, predominantly Black college.

Cooperative programs expanded. For example, Dalton Junior College entered into an arrangement with the University of Georgia and Georgia State University to coordinate vocational education (Bevre, 1979, p. 181).

The decade ended with a legislature that considered few, non-fiscal education issues. A bill given consideration that passed the House but not the Senate would have authorized the State Board of Education to evaluate and license colleges and universities from outside Georgia that offered programs in Georgia (Morrison, 1979, p. 24). The session was relatively quiet.

### Conclusion

Even in a state like Georgia, with a system entrenched for 40 years, conflicts over who has the final authority



in decisions, especially fiscal ones, continued. But events in the legislature and the courts during the decade affirmed the authority of the Board of Regents of the University System of Georgia.

### Mississippi

Higher education in Mississippi during the 70s expanded in fiscal appropriations, enrollment, and academics, as the state itself demonstrated a commitment to improve both its educational reputation and quality. Chambers (1974) concluded that "the record is one of real progress for Mississippi" (p. 146). This progress occurred with the same system of governance; Mississippi began the decade and ended it with its state colleges under the Board of Trustees of State Institutions of Higher Learning, which withstood several frontal assaults.

### Background Information

Mississippi's state colleges and universities with baccalaureate programs have been governed by the Board of Trustees of State Institutions since 1932. This Board followed a similar centralized governance system established in 1912 and, according to Chambers (1970), "in the dark days of the Great Depression it was reconstituted and tightened in its present form" (p. 146).

The Board of Trustees is comprised of 12 members appointed by the governor with the approval of the senate. These 12

must have a proper geographical mix, with one from each congressional district, one from each Supreme Court district, and two from the state at large. One additional member, appointed by the governor for one four-year term, must be from De Soto County. This trustee, known as the Trustee for the La Bauve Fund, could only vote on issues affecting the University of Mississippi, the recipient of the largess from the La Bauve family (Carnegie Commission, 1971, p. 126).

Article VIII, Section 213. A of the Mississippi Constitution of 1890 was amended in 1944 to designate the Board of Trustees as the governing authority for existing state institutions. According to Beckham (1978), the constitution "reserved to the legislature the power to consolidate or abolish any of the higher educational institutions named in the provision" (p. 115).

The community colleges, on the other hand, were governed by local boards. The State Board of Education supervised the system through the Junior College Commission. This Commission, established in 1928, had as members the state superintendent of education, three lay persons, and six ex officio persons: the chancellor of the University of Mississippi, the presidents of Mississippi State University and Mississippi University for Women, and the presidents of three junior colleges. The Commission was strictly a coordinating agency.

According to Zwingle and Rogers (1972), the Board of Trustees' basic responsibilities were these:

Authority for general policy determination encompasses budget program approval, program endorsement, establishment of personnel policies, financing of current operations, and planning and financing of physical facilities. The board also is responsible for coordinating higher education on a statewide basis (p. 86).

Statutes authorizing the Board of Trustees were Mississippi Code Annotated, Section 6719-6726.9.

### Legislative Narrative

The decade began with a year of unrest for Mississippi education with, according to the Board of Trustees report, "hurricane damage, campus newspapers that published attacks against national and international situations...and student unrest culminating with two deaths at Jackson State College" (Bevre, 1970, p. 68). 1970 also marked the shift from biennial to annual meetings of the legislature.

In the 1971 session of the Mississippi legislature, proposals were introduced to administer all schools under one system and to shorten the terms of board members. The unitary systems bill was never voted on, and the term-of-board-members bill passed the House, but had no further success.

In fiscal matters, the appropriations for the state colleges and universities increased from \$39 to \$45 million, apart from funds for the junior college system and the medical school (Saggus, 1971, p. 8). All the bond issue money, \$14.4 million, was awarded to Alcorn A & M, Jackson State, and Valley State, the three predominantly Black colleges in the system.

The legislature, in a positive step toward removing the segregationist attitude, if not the specifics, repealed the Meredith Law, passed in 1962. This law, an attempt to keep the doors shut on James Meredith's enrolling in the University of Mississippi, stipulated that "no one charged with a crime of moral turpitude would be admitted to the University" (Saggus, 1971, pp. 9-10).

The board exercised its governance authority in specific situations. For example, it increased fees; it refused to admit a male to the Mississippi State College for Women; it condemned a student editorial and

instructed each institutional head to appoint a faculty member or staff member to supervise the publication of the campus newspapers and annuals, to edit the publication of the campus newspapers and annuals, to edit the publications' contents prior to their being printed (Bevre, 1972, p. 108).

The 1972 legislature was a positive session for higher education appropriations and growth. For overall operations, \$46.8 million was awarded to the Board of Trustees. The most controversy during the session was over construction and renovation money. A large bond issue bill passed the Senate, while none passed the House; with an extended session, compromise prevailed. The Senate bill would have funded a new law school building at the University of Mississippi, while another bill proposed moving the law school to Jackson, where the University of Mississippi medical school was already located. Lack of statewide planning was clear.

Other related bills that failed were proposals to establish a law school and a dental school at the University of Southern Mississippi and to authorize a veterinary school at Mississippi State University (Saggus, 1972, p. 44).

Two university branches requested the ability to grant degrees. After the Board refused this request, the branches bypassed the Board and appealed to the legislature by having supporters introduce bills to authorize degree programs. As the result of much political maneuvering and compromise, a bill (SB 1527) was passed permitting degree-granting branches, if the branch had "300 or more part-time or night students in the upper level of work, with students taking up to 11 hours of work per semester" (Saggus, 1972, p. 44). Such legislation guaranteed educational access that had been lacking because the previous law mandated the last year of the bachelors' program be spent in residence at the college or university. Such legislation had not been proposed by the Board but by the colleges and legislature.

Reorganization of the Board was again on the agenda. but it garnered little support. HB 127 and 828, to add students to the Board, failed. Some law makers wanted to reduce the 12-year terms of members; others felt such lengthy terms insulated the members from political pressure since, at any one time, the members were appointed by three different governors (Saggus, 1972, p. 45). Since there was little agreement over a proposed length of term or who should appoint the members, the proposal (Resolutions House 26/Senate 536) failed.

In 1973, the Board recommended increasing its perspective by adding a student advisor to work with the Board. The advisor, "a full-time student attending one of the eight state-supported colleges or universities, would be rotated each month, and by doing this represent the various colleges and universities governed by the Trustees" (Bevre, 1973, p. 56). The plan was not accepted.

The Senate had considered a bill changing Delta State, Mississippi State College for Women, and Jackson State to universities. The Board had recommended against the change at that time. Attempts were made to revise the university-status bill with a provision for a "state-wide universities system of coordinated higher education, under a council composed of institutional presidents" (Saggus, 1973, p. 15). This failed, as did attempts to include the other two colleges; the House did not vote on this bill. The legislature, instead of granting university status to several colleges, referred the decision to the Board for a feasibility study as well as for recommendations on the establishment of one statewide university system.

The Mississippi House approved both a dental school and a school of veterinary medicine; but the Senate approved only the dental school while recommending a feasibility study before agreeing to a veterinary college. The dental school encountered few problems because of the need for dentists in some areas of the state and because the state did not want to continue sending Mississippi dental students to other

states and subsidizing their education, especially if they then did not return home to practice (Saggus, 1973, p. 12). Again, long-range fiscal responsibilities were considered sparingly.

The Board received from the legislature \$57 million for its operational budget and \$103 million for capital improvements (Saggus, 1973, p. 12).

However, the Board faced problems in other areas. The University of Southern Mississippi wanted a law school, but this proposal received little support. On the other hand, the University of Mississippi wanted to establish a branch of its law school at Jackson. The Board, with that proposal presented to the legislature only four days before the Senate's discussion on appropriations, created problems. Saggus (1973) reported that the chairman of the Appropriations Committee stated, "There won't be any appropriations for that in this session, I can assure you. It was ridiculous to assume that the legislature would approve any plan they thought of only four days ago" (p. 14).

The Board received additional criticism for reducing Jackson State's allocation by varying the enrollment formula. As a result, the legislature, according to Saggus (1973), "wrote the formula for predicting enrollments into the appropriations bill . . . ." (p. 14). The Board seemed to be playing favorites via its own formula.

Once more, a bill proposing non-voting student members on the Board died in committee.

The 1974 legislature featured a controversy between the governor and the president of the state Board over appropriations. The governor vetoed \$2.8 million in library and research funds. The Board had developed a five-year plan to improve libraries because of impaired accreditation; the plan called for \$3 million for five years and had only been funded at that level once.

The Board was charged and funded to establish a master plan in order "to eliminate unnecessary program duplications among the universities of the state" (Saggus, 1974, p. 28). The legislature, in mandating a master plan, also demonstrated concern for quality and efficiency. The plan was never completed.

The legislature voted (HB 298) to convert the five colleges under the Board to universities: Alcorn State University, Delta State University, Jackson State University, Mississippi University for Women, and Mississippi Valley State University (Bevre, 1974, pp. 255-256). Additionally, the College of Veterinary Medicine was established (HB 727 and 907) at Mississippi State University.

The Board of Trustees developed and approved criteria for new degree programs. The criteria were

factors such as financial resources, availability of competent faculty members to teach new programs, library resources, the uniqueness of the program as related to others at the state institutions, as well as student demand for the new program (Bevre, 1974, p. 256).



Again, a Board reorganization proposal, reducing terms to eight years and staggering them so that each governor would appoint six members, died in the Senate. The prime argument continued to be that longer terms had protected the Board from political interference (Saggus, 1974, p. 30).

In 1974, Mississippi was directed by the Office of Civil Rights to submit a plan for desegregation of higher education. Initial recommendations, presented to the officials from the Department of Health, Education, and Welfare by a committee appointed by the Board of Trustees, were accepted as part of the statewide plan, before that plan was submitted.

In Oaks v. Board of Trustees, Northeast Miss. Jr. Col. (385 F. Supp. 392, 1974), citizens of Alcorn County claimed the method by which membership on the community college board of trustees was determined was unconstitutional. Since the issue was statewide, a district court heard the case. The plaintiffs argued that under the Fourteenth Amendment, representatives on the board were not representative of the population. The court ruled against the plaintiffs for two basic reasons: one, the principle of equal representation had not been extended to appointed officials, and two, the junior college boards were administrative, not legislative, bodies.

In 1975, the Mississippi legislature provided \$70 million to the Board for the eight state universities' operating expenses (Bevre, 1975, p. 66). The Board increased out-of-state tuition, and in-state tuition at five of the universities to bring in additional money. To complete plans for building

the College of Veterinary Medicine at Mississippi State University, \$1.5 million was appropriated.

The perpetual proposal to shorten terms of Board members was introduced but not even debated.

A study had been authorized in 1974 on program duplication, but the study had not been completed. In the 1975 session, program duplication was again questioned. The Performance Evaluation Review Committee requested the Board "to set up statewide objectives for higher education, and goals for each university . . . and review such matters periodically" (Saggus, 1975, p. 32).

In 1976, the Board of Trustees' budget for the eight universities was only \$140,000 more than the previous year (Saggus, 1976, p. 42). Consequently, there was no money for salary raises, and the Board threatened tuition increases.

The fiscal temper was illustrated by four studies requested by the legislature of the Board in an effort to develop uniform policies for the university system:

1. Phase out tuition grants to faculty children;
2. Set tuition so that it covers costs for out-of-staters;
3. Use self-generated funds before appropriated ones;
4. Curtail and limit travel unless trip is essential (Saggus, 1976, p. 43).

Because of obvious lack of planning in the total post-secondary educational system, an overall study of higher

education was proposed. The chairman of the House University and College Committee said:

We need a professional study by people who have no loyalties to any of the schools or campuses. The study needs to cover the junior colleges as well as the senior colleges. The state has too many . . . . We need to know what we have, what we need now, and what we'll need down the road (Saggus, 1976, p. 44).

The study was not authorized.

The Board had been unable to implement the review of duplicate programs. As soon as the Board began hinting of eliminating duplicate doctoral programs, "alumni and other pressures thwarted these efforts, and the board has now decided to use outside professional consultants to place the recommendations above politics" (Saggus, 1976, p. 44). Mississippians were always wanting to place education "above politics" in an effort to avoid confrontation and tough decisions; usually, the buck was passed to consultants.

Construction of the veterinary school was not begun because of competition for the capital outlay funds. Additionally, the decision was attacked by one legislator, among others, who contended it would cost the state \$60,000 per year for each of the 65 students in the college rather than the \$5000 it cost to maintain the students in an out-of-state college via a contract program (Saggus, 1976, p. 45).

Martorana and McGuire (1976a) reported on a desegregation case in Mississippi. The Department of Health, Education and Welfare had ordered the Junior College Commission to submit a desegregation plan for Mississippi. The

Commission refused since they were only a coordinating body with no governing responsibilities for all the junior colleges in the state. The attorney general ruled in agreement, stating that each junior college had its own board of trustees. The case, Jake Ayers Sr. v. William Winter, GC 75-9K, has yet to be adjudicated.

In fiscal matters, higher education fared well in 1977. In addition to an increase of \$42 million in operating expenses, the legislature funded \$800,000 to the Board to implement Mississippi's desegregation plan.

The veterinary school continued to ward off attack, and the original decision stood; the 1977 legislature appropriated \$135 million to build the teaching hospital for the veterinary college at Mississippi State University (Saggus, 1977, I-10).

The resolution for an overall study of postsecondary education was again presented but died in committee, based on the rationale that the Board should be "allowed to develop information under the state's new program budgeting system before a decision is made for the study" (Saggus, 1977, p. I-11).

The 1978 session marked a fiscal watershed for Mississippi. The legislature appropriated to the Board \$105.9 million, an increase of 404 percent over the previous decade (Saggus, 1978, p. II-8).

Significant issues recurred. A professional management study was ordered by the legislature, and \$400,000 was

allocated for an "in-depth study of the system of higher education and postsecondary education opportunities in Mississippi" (Bevre, 1978, p. 81). Once more, revision of the Board was proposed, but not voted on.

The legislature and the Board experienced three specific clashes. The Budget Committee had not recommended what the Board considered a sufficient increase; the Board then resorted to its time-honored strategy of threatening a tuition hike. The chairman of the House Appropriations Committee countered: "I'm tired of them using it as a threat in campaigns for increased support" (Saggus, 1978, p. II-9).

A second controversy occurred when the legislature found out that the Board's student credit hour funding formula was subject to adjustment, and that the Board paid higher salaries at Mississippi State, the University of Mississippi, and Southern Mississippi (Saggus, 1978, p. II-9). Subsequently, the 1978 appropriations bill contained this restrictive language:

The (College Board) in allocating the funds herein appropriated to the various institutions of higher learning shall use the same student credit hour formula adopted by said board at the August 14, 1974, board meeting. Any deviation from said student credit hour formula or any additional monies allocated to any institution over and above that determined by the formula shall be justified by a detailed financial analysis of that institution (Saggus, 1978, p. II-9).

No money had been requested in capital funds for a general purpose classroom building at the veterinary school. The day of the House deliberations, members were informed that a sum of

\$44.5 million would be needed, and, after intensive lobbying, the necessary funds were approved.

As in 1977, money was appropriated to implement the desegregation plan. Basically, the \$950,000 was designated for minority scholarships and programs "to encourage other-race faculty at all universities" (Saggus, 1978, p. II-10).

One final governance bill considered in 1978 dealt with an attempt to abolish the special La Bauve trustee on the Board. Instead of eliminating the position entirely, the legislation specified that the trustee (as he had been supposed to all along) could only vote on matters related to the University of Mississippi. Evidently, the legislature was tired of such favoritism, especially since it resulted from a \$20,000 trust spent many years previously.

The decade concluded with the preliminary report and recommendations from the team hired to study higher education. Several of the initial findings revolved around the issues of governance and coordination. For example, the study predicted enrollment decline in the 80s, and stated that "future enrollment declines spelled reduced space and faculty requirements, and cautioned the universities against increasing their permanent operating expenses" (Saggus, 1979, p. 17). The Board was criticized for its planning, or, rather, its lack of it. The report stated, "The board has not made a clear distinction between its governance role for individual campuses and its statewide planning and coordinating role" (Saggus, 1979, p. 17). Listed as deficiencies in the

Mississippi system were the "development of a master plan, enrollment planning, development of a budget planning process and developing information systems" (Saggus, 1979, p. 17). In fiscal governance, the study suggested the Board conduct its own analysis of finances "since major inequities existed among the institutions" (Saggus, 1979, p. 17).

Most of these recommendations have become obvious from the narrative of the legislative events of the decade.

### Conclusion

Mississippi illustrated a state with a combined system of governance and coordination, a system fraught with inequities among institutions when often centralization is praised for equality, with political involvement over educational decisions because no one was assuming an advocacy role, with little planning and little consideration of the total picture because no one really planned or followed through, even when planning and goal-setting were mandated.

Such a situation will create additional problems in a no-growth era unless the segments of education in Mississippi work in the 80s to correct the organizational and decision-making errors of the 70s and build on the obvious commitment of the 70s to improve the quality of postsecondary education in Mississippi.

West Virginia

West Virginia began the decade with a superboard as an attempt to respond to the obvious need for some kind of statewide structure. The answer for West Virginia, legislators thought, was strong centralization.

Background Information

West Virginia had, in effect, moved in reverse, adopting a new but similar system to the one set up in 1909, with all state institutions of higher education under a State Board of Regents and then in 1919 under the State Board of Governors as was, later, the Potomac State School of West Virginia.

On July 1, 1969, West Virginia's system of postsecondary education was placed by statute under a Board of Regents, the governing board of all institutions in the state. The Board of Regents had nine members, each appointed by the governor subject to the approval of the senate, with the state superintendent as an ex officio tenth member. Membership had to be bipartisan; only five board members could belong to one political party, at least one member and no more than two could reside in each congressional district (Chambers, 1974, p. 262). In addition, each institution retained an advisory committee to replace, at least in semblance, the abolished institutional governing boards. According to



Zwingle and Rogers (1972), these were the responsibilities and duties of the Board:

General determination, control, supervision, and management of the financial, business, educational policies and affairs of all state colleges and universities . . . . The board of regents is fully authorized and empowered to make studies and recommendations relating to all aspects of higher education in the state. It prescribes and allocates among the state colleges and universities specific functions and responsibilities to meet the higher education needs of the state and avoid unnecessary duplication. The board considers, revises, and submits to the appropriate agencies of the executive and legislative branches of State colleges and universities, or it may submit a single budget and allocate appropriations among different institutions (p. 168).

Authorization for the Board was contained in West Virginia Code, Section 18-26-1 through 18-26-12. According to Chambers (1970):

The push for this kind of consolidated administration had been going on for several years, and several successive legislatures had defeated it. The general mood of reaction that permeated state and national elections in 1968 resulted in the change (p. 400).

#### Legislative Narrative

In 1971, the West Virginia legislature passed a bill to set up a system of community colleges. The Board of Regents had spearheaded a study with the cooperation of the Southern Regional Education Board that culminated in this legislative action. Previously, instead of community colleges, West Virginia had branches; the legislation authorized the conversion of these branches into community colleges. The Board of Regents responded quickly to the authority granted in the statute by merging two branches of Marshall University and creating West Virginia's first community college (Bevre, 1971, p. 124).

Higher education did not fare as well in fiscal matters because of conflict between the governor and the legislature, each led by opposition political parties. The Board of Regents performed little that was constructive in its role of fiscal mediator. The chancellor of the Board reported that the board would have only \$300,000 above its current expenses to operate the next year (Marsh, 1971 p. 17).

The Board of Regents' authority was expanded in two other areas. The Board was authorized to set statewide standards for granting of degrees for any institution in the state. Additionally, the Commission on Higher Education, which operated the scholarship and loan program, was combined with the Board of Regents.

In describing the 1971 session, Marsh (1971) praised the Board:

For the most part, the board came through its second legislative session (it was created in 1969) with much higher marks than it received in its first one. A major reason was the presence of Woodard and his involvement in budget preparation for the board (p. 18).

A second example was presented in the Board's report for 1970-1971 its first full year of operation. The report stated; "A legislative program consisting of twelve proposed bills was presented and the entire package was approved by the legislature and signed into law by the governor" (Bevre, 1971, p. 125).

The Board of Regents had organized itself in such a manner to offer maximum involvement for all sectors of post-secondary education. Four advisory councils were established:

one of state supported college presidents, one of private college presidents, one of students, and one of faculty.

By 1972, the brief honeymoon was definitely over. The Regents' budget, submitted to the governor, requested \$70.7 million. The governor then recommended to the legislature \$68.2 million and the legislature, with the final say, approved a final appropriation of \$66.8 million. Subsequently, both a member of the Board and its president resigned.

In other areas of concern, the Board had a disappointing session. A bill (HB 953) to provide additional postsecondary educational access via a statewide system of community colleges was rejected. Basically, the legislature believed the conversion of the branches, an authority already assigned to the Board, was sufficient. The concern (and the opposition) derived from three sources:

legislators who realized funding requests would soon accompany such authorization, secondary level educators who sensed a potential conflict with the Board over eventual control of vocational education, and supporters of the branch campuses (Marsh, 1972, p. 3).

The Board of Regents had recommended the separation of Kanawha Valley Graduate Center from West Virginia University. The recommendation was accepted with the expectation that both quality and flexibility would be strengthened (HB 618).

West Virginia increased its fiscal efforts in private postsecondary education. A law was passed to restrict the state scholarship program to tuition and fees at state schools and a maximum of \$900 to private schools (Marsh, 1972, p. 4).

During the 1973 session, controversy accelerated to such an extent that a majority of postsecondary legislation failed to pass. The Board of Regents recommended the merger of Concord and Bluefield colleges, two state colleges within 20 miles of each other. Because of fierce opposition, the bill died in committee. Bluefield, a predominantly Black school, and Concord, primarily white, would have remained separate institutions but under one president. The lack of legislative support for this merger, which the Board regarded as under its statutory realm, seriously undermined the Board's authority.

However, the Board did not take its defeat lightly. The president of Concord was fired, the president of Bluefield transferred, and a new president hired for both colleges. An education critic in the legislature responded that the Board was "digging its own grave, creating resentment and the full impact has yet to come" (Marsh, 1974, p. 4).

Although the merger bill died, the repercussions did not. According to Marsh (1973), one of the Concord backers

introduced a bill that would have removed from the Board the power to appoint presidents of state colleges and universities and would have given institutions the authority to submit individual budget requests directly to the legislature (p. 1).

A study was authorized by SCR 8 (1973) relating to the organization and administration by the Board. On a more positive note, appropriations were increased, although not to the higher level requested by the Board. One Board of Regents'

recommendation passed was a bill (WV HB 668) to permit the Board to contract with private colleges and other agencies for services not available in West Virginia. Permission was granted for such a contract program with schools outside, as well as within, the state.

Another proposal would have paid from public funds \$500 per year to residents attending private colleges as freshmen and sophomores and \$700 as juniors and seniors. The bill was defeated in the Senate Finance Committee because of future financial implications and availability of space in public colleges (Bevre, 1974 p. 77).

In the area of planning, the Board published West Virginia's first long-range plan: A Plan for Progress: West Virginia Higher Education in the Seventies, with role and scope for each institution, public and private (Bevre, 1973, p. 77).

In 1974, the legislature adjourned without a budget and solved very few problems related to postsecondary education. According to the Board's report, the legislature

limited to the lesser of the payments of tuition and those related compulsory fees charged by an institution to all West Virginia undergraduate students or an amount equal to the average State General Fund support for each full-time equivalent student in the state four-year colleges for the preceding academic year as calculated by the Board of Regents (Bevre, 1974, p. 289).

In 1975, West Virginia began considering a liaison with the Veterans Administration for a cooperatively funded medical school. Funds were appropriated for the college,

to be located in Huntington. In another medically-related issue, legislation passed authorizing a West Virginia School of Osteopathic Medicine. The Greenbrier College of Osteopathic Medicine, a private school, already existed in Lewisberg; its supporters wanted the state to assume control so that it would become the state medical school. On the advice of the attorney general, the Board took no action (Bevre, 1975, p. 111).

The Bluefield-Concord issue reappeared. A bill, introduced unsuccessfully, would have required separate presidents. The Board remained firm in its support of merger. Also failing to pass was a bill to add faculty and students as voting members to the Board of Regents. The Board opposed these additions as representing special interests (Bevre, 1975, p. 6).

In 1976, only one bill related directly to governance. The legislature passed into statute the Board's system of advisory councils (SB 173 1976). At a special session, a bill (SB 64) was passed mandating the Board of Regents assume the operation of Greenbrier College of Osteopathic Medicine (Bevre, 1976, p. 221).

Most other matters related to appropriations. For example, a \$1000 across the board raise passed over the governor's veto.

A bill limiting the Board's authority in one area failed. The bill was a negative one; it wanted to prohibit the Board from authorizing community college programs in counties with either a public or private college (Marsh, 1976, p. 26).

In 1977, two major bills affecting governance were considered; both had been previously introduced. A voting student and a voting faculty were added to the Board. The other bill prohibited branches or community colleges from being established close to existing schools. After all, competition could not be feared if it, instead, could be eliminated. The language in the version of the bill passed by both houses prohibited the Regents from establishing

any free standing community college, state college or university or any permanent branch, off-campus location, center or station of a community college, state college or university, without the express authorization of the legislature (Marsh, 1977, pp. I-18-I-19).

The bill was vetoed (Bevre, 1977, p. 113).

Another bill that was passed required the Board to submit any proposed rules to a legislative committee prior to action; the law, however, did not mandate legislative approval so its control over the Board was non-existent.

A study of higher education was approved in the House. Such a study would focus on administration, structure and organization of the Board of regents, future needs and costs of higher education, salaries of personnel, and a projection of future needs and costs of higher education over five and ten-year periods (WV HCR 3 1977).

In its 1977 report, the Board noted a trend:

A number of bills were introduced but failed to become law that would have circumscribed the authority of the Board of Regents in a number of ways by requiring specific legislative approval (Bevre, 1977, p. 113).

Little was considered by the 1978 legislature except taxes. Higher education received a 7.5 percent increase.

An across-the-board pay raise for faculty was approved, with opposition from the chancellor because such a raise did not take into account merit (Marsh, 1978, p. I-8).

A reciprocal arrangement with Pennsylvania was passed by the House but not the Senate. Pennsylvania permitted its students receiving scholarships to attend West Virginia schools, but the reverse was not true. In another attempt at cooperation, the House passed a bill for West Virginia to participate in a regional school of veterinary medicine with Virginia. The Senate did not agree.

Contracts with the Southern Regional Education Board in architecture, optometry, veterinary medicine, and podiatry were renewed (Marsh, 1978, p. I-10). The bill to forbid new colleges close to others already in location passed the House but was not considered by the Senate.

WV HB 1221 1978 required the governor to fill vacancies on the Board within 60 days, a move that involved the governor more in the growing executive-legislative-board conflict.

The Board continued work on its master plan, Profile of Progress: Higher Education in West Virginia. According to the Board report, the planning process included:

1. Gathering statistical information from both public and private institutions;
2. Making rules and regulations for the accreditation of all colleges, universities and other institutions of higher education in the state;
3. Determining minimum standards for the conferring of degrees;



4. Maintaining close relationships with private colleges and other postsecondary institutions;
5. Planning for expansion of academic services through contract programs and the Academic Common Market (Bevre, 1978, pp. 120-121).

The 1979 session was complicated by a ruling on collection of fees and expenditures from the Higher Education Resource Fund (HERF). This money had been collected from the separate fees charged by each school; in effect, it was a fund independent of the legislative appropriations process. In the fall of 1978, the attorney general ruled the Board could collect HERF money but not spend it, unless the Board counted it in the total sum appropriated by the legislature (Miller, 1979, p. 9).

Since these funds had not been included by the governor in his estimates of revenue, the legislature had not appropriated them; however, the Board could no longer spend HERF money. Supplemental money was allocated as replacement funds.

In a regional cooperative agreement, the legislature passed a bill permitting the Board of Regents to enter into reciprocal arrangements with other states so that West Virginia residents could attend out-of-state schools and use West Virginia scholarship money to pay tuition and fees. According to Miller (1979):

Some legislative-Board of Regents conflict continued. A bill to fix certain salaries of appointive state officials was amended on the House floor to include the chancellors. This would have not only reduced the salary but also made the chancellor subject to appointment by the governor, rather than the Board of Regents. The bill eventually was defeated (p. 13).

A study was approved to evaluate by outside consultants the Board of Regents during its life, which spanned the decade. The report was to be presented to the 1980 legislature.

### Conclusion

The Academy for Education Development evaluated the performance of the West Virginia Board of Regents. The Academy stated that "the primary issue for higher education in West Virginia is what structural arrangement will best serve the State, and all its postsecondary education institutions, in the upcoming era of change and uncertainty" (1979, p. 22).

AED (1979) presented for consideration these three options:

Option 1: "The State-wide governing board system in the State of West Virginia should be replaced" (p. 22).

Option 2: "A State coordinating board for higher education, called the West Virginia Board of Higher Education, should be created" (p. 23).

Option 3: "The State of West Virginia should create three governing boards for the three sectors of higher education in the State" (p. 25).

### Summary

Of the systems in the four states reviewed in Chapter IV, two remained the same and two underwent close examination with recommendations for major changes.

The Board of Regents of the University System of Georgia and the Mississippi Board of Trustees of State Institutions concluded the decade entrenched. In Georgia, there were skirmishes, predominantly unsuccessful, as the legislature tried to interfere in postsecondary education, especially in the areas of curriculum, fees, admission to professional schools, budget, and the approval of regents. In Mississippi, attempts to reorganize the Board of Trustees began in 1972; these attempts were primarily to adjust the terms of the Board members. Throughout the decade, charges of ineptness and negligence in planning were hurled against members of the Board, and the decade ended with these charges being repeated by a consulting team.

In Florida and West Virginia, the organization for governance of postsecondary education was a major thread in the legislative discussions of the decade. Since 1905, the colleges and universities in Florida had been governed by a central board. Change was being demanded, as reorganization was a major legislative debate from 1972 until the end of the decade, without a definite decision. In West Virginia, after much controversy over planning, quality, and legislative interference, a team of consultants recommended that the governing board be replaced, a coordinating board be developed, and three governing boards be created, one for each segment of postsecondary education.

## CHAPTER V

### SYNTHESIS AND EVALUATION

The purpose of Chapter V is to discuss the conclusions synthesized from the narratives of the states and evaluate them in relation to trends for the 80s. Specific answers to the research questions are listed as well as a discussion of observations inferred from the study.

#### Responses to Research Questions

Question 1: Are the statewide systems viable for planning postsecondary education?

For each of the coordinating or governing agencies of the 14 states in this study, planning was emphasized in the statute or constitutional provision creating it; however, emphasizing planning without specifics concerning how the planning would occur in such a competitive milieu was hardly a guarantee of success. The evaluation of the Alabama Higher Education Commission stated the problem succinctly:

Alabama must make a clear decision and a clear commitment with regard to coordination of higher education: a decision as to the kind and quality of statewide coordination it proposes to have, and a commitment to provide the legal, financial and political support necessary to implement that decision (Second Special Committee to Evaluate the Alabama Commission on Higher Education, 1979, p. 47).

The pattern in the 14 states reviewed was similar:

- (a) charge the agency with planning, yet provide few, if any, tools;
- (b) evaluate the agency as a failure in planning and the coordinating concept as a parallel failure;

- (c) consider for two or three legislative sessions a superboard system of governance and coordination;
- (d) reject the superboard in favor of a strengthened or restructured council with additional power, such as approval of new programs, development of unified budgets, and authority over off-campus programs and sites, to implement plans;
- (e) retain at least a semblance of checks and balances, such as the privilege of appeal directly to the legislature when the decision is made to eliminate programs.

From the states reviewed in this study, Alabama provided the best example of a statewide system's problems in planning with its 1979 evaluation critical of the Commission's planning function but with the stipulation that it had not really been empowered to plan effectively. With that evaluation, AHEC was finally, after many attempts, rechartered.

Frequently, when commissions were rechartered, after previous failures, the first task was a statewide master plan. Maryland and Kentucky provided two examples of such restructuring. These states also exhibited an understanding of concepts related to planning by their willingness to allocate a certain amount of time to pass before judging the effectiveness of the planning process. In both Maryland and Kentucky, because of this designed planning process, there was a notable decrease in governance legislation after the reorganization of the system.

Perhaps the most important tool identified in this study for implementing the statewide master plan was power in program review; such power was also controversial. The components of the process itself were vital. For example,

questions needed to be answered regarding what personnel should be involved in program review or approval, who should have the final say, and what should be the criteria for the decision. Three states illustrated the necessity of providing the proper tools to implement the plan. In 1977, North Carolina developed mission statements for the institutions, and then of 300 programs reviewed, only 65 were approved. South Carolina's lay board, organized in 1978, was immediately charged with master planning and its handmaiden, termination of unnecessary or duplicate programs. Louisiana's Board of Regents began program review in 1975 and by 1980 had evaluated 339 programs and eliminated 83 of them.

In addition to the authority of the council to implement plans, one other problem was identified as relating primarily to the success of the planning role: often the constituency of the council was not the entire higher education community in the state. Most often lacking were the community colleges and private institutions. Community colleges generally were organized on the public school model with local school districts and local boards subject to a state board of education. In some states, such as Virginia, this state board was encompassed under the Board of Higher Education's overall coordinating umbrella. In others, such as North Carolina, the Board of Governors did not number the community colleges in its constituency. Another state, Texas, passed legislation omitting the community colleges from the Coordinating Board, Colleges and Universities. Florida's 1980 Report and Recommendations

of the Joint Legislative and Executive Commission Postsecondary Education specifically charged the state with failure in systemwide planning and the necessity of planning to include the total postsecondary education constituency: universities, community colleges, vocation-technical centers, and the private institutions in the state.

In 12 of the 14 states reviewed, private institutions were omitted from the planning, simply because they were private. Kentucky and Virginia offered exceptions. In Kentucky's major planning effort begun in 1974, private colleges were included in the process. In 1973, Virginia divided its state into regional consortia with the participation of both public and private institutions. The omission of the private schools from planning was ironic, however, since each state's legislative entity developed some plan for aid to private schools, whether as direct subsidy in Maryland, additions of private institutions to the state system as in Alabama, or tuition assistance programs to students attending private schools. Much of this support was provided haphazardly since these schools' missions and roles and scopes were not included in the state plan. Because the private component was often lacking in planning, decisions relating to private institutions usually were made by default in the legislature at a time of crisis. Examples included the state of Alabama's purchase of Athens College.

In summary, in the 14 states included in this study, effective statewide planning was hampered for these reasons:

- a) lack of authority to implement the plan
- b) lack of a constituency including all segments of public postsecondary education
- c) lack of the appropriate inclusion of private colleges in the planning process.

Planning by a statewide system can be viable if the agency charged with the planning is empowered to implement plans and if the entire postsecondary constituency is involved in some manner in the planning process.

Question 2: Can any regional activities be identified for planning and coordination of postsecondary education?

For the purpose of this study, regionalism was defined as "differing patterns of institutions from different states joined through legislative action in a planned effort to solve state or regional educational needs" (p. 5).

In the legislative narratives of the 14 states included in this study, evidence existed of regional cooperation in various types of alliances. One, the Academic Common Market, provided opportunities for students to attend programs in another state at in-state costs. States, such as South Carolina, Virginia, Louisiana, Arkansas, Texas, Tennessee, and West Virginia, also contracted with schools in other states or private schools within their own states. For example, the contract program was a popular alternative to each state's building its own veterinary school (South Carolina, Virginia, and Louisiana) or dental school. Arkansas, instead of creating a college of dentistry in 1976, expanded its SREB contract



program. Texas, Virginia, and Tennessee developed extensive contract programs with private in-state professional schools. Arkansas, Mississippi, and Louisiana planned for a joint college of optometry, as did South Carolina, Georgia, and North Carolina. Maryland's senate passed a bill authorizing a veterinary school in a joint venture with Virginia, but the bill did not pass the house. Thus, eight states were charged by law to attempt such regional cooperation.

One other type of regional cooperation seemed to be gaining momentum as the decade ended: reciprocal tuition arrangements among adjacent states. For example, the University of Western Kentucky arranged with some Tennessee counties to admit undergraduates as residents, and the arrangement was reciprocal. A limited reciprocal tuition program between Murray State University and neighboring Tennessee counties was expanded to include Murray State and Tennessee, Indiana, Illinois, and Missouri, counties, under specified criteria. In 1974, Louisiana studied the feasibility of such arrangements with adjacent states to promote additional opportunity and access. Maryland and West Virginia worked out a reciprocal in-state tuition plan. Thus, five states implemented such plans.

Such regional cooperation, whether on an organized region-wide basis, as in the Academic Common Market, or a symbiotic agreement with neighboring states, served two distinct purposes. One, in a time of escalating construction and operational costs, each state no longer considered it

necessary to have its own college of everything or sufficient colleges of everything to serve all its students. Coordinating councils were effective in presenting the ultimate costs of each new professional school as part of the decision process.

Two, reciprocal tuition arrangements among neighboring states increased educational access in some sparsely settled rural areas. Rather than, for example, have a university in rural western Kentucky with low enrollment and another in rural western Tennessee, also with low enrollment, if Tennesseans could attend the university in Kentucky at no additional expense, then everyone profited. Kentucky had additional students for more cost-effective education; Tennessee neither had to build a university in an area that could not support one nor deny students in certain geographical areas educational opportunity. The students had what they wanted: education at a low cost within commuting distance.

In summary, regional planning and cooperative activities were identified in this study for each of the 14 states. These arrangements will continue and thrive as education in the 80s stresses educational opportunity in a period of economic deprivation.

Question 3: Is there a trend toward "super" boards?

The trend was definitely toward increased responsibilities, especially in program approval, budget development, and master planning; the trend was not, however, toward centralized governance and coordination in a superboard. Even

states, such as North Carolina and Louisiana, that shifted to superboards retained vestiges of institutional autonomy sufficient for day-to-day management at the institutional level.

Louisiana, North Carolina, Maryland, and Alabama provided examples of the trend--a trend more in concept than in model. Louisiana, by constitutional provision, created in 1974 a Board of Regents to govern and coordinate its two distinct state systems. Due to opposition, the original plan was modified by including three sub-boards: one for the L. S. U. system, one for the Southern University system, and one for the remaining state colleges. To these boards, which had powers the legislature delegated, were given administrative and management responsibilities; thus, the Board of Regents could concentrate on the statewide issues of higher education, and routine decisions would continue to be made at the lowest possible level.

Similarly, North Carolina in 1971 replaced the Board of Trustees of the Consolidated University and the State Board with a Board of Governors chartered with planning, assessing needs, and preparing budgets. Each of the 16 units retained its own Board of Trustees to possess whatever powers were delegated. More were delegated than expected, again primarily the routine management and administrative responsibilities.

In 1976, Maryland reorganized by replacing the Council of Higher Education with a State Board of Higher Education.

The Board had expanded authority in planning, budgeting, and approving programs. The institutional governing boards were retained but with less independence. Maryland's Board, regardless of similarity with Louisiana and North Carolina, was officially labeled a coordinating board.

Alabama made no organizational change. In fact, in 1976, Alabama's legislature refused to strengthen the Alabama Higher Education Commission, in 1977 refused to either abolish or strengthen it, and in both years refused to create a superboard. Instead, in 1979, after an evaluation, the AHEC was awarded additional powers to implement recommendations since the AHEC could hardly be held responsible for something it had never had the authority to do. Kentucky, Arkansas, Texas, South Carolina, and Virginia followed a similar pattern.

The trend was not to superboards; it was, instead, to the concept of coordination with enforcement, regardless of the model chosen by the state. The model varied, depending on how the different components interrelated in each state. The trend was, however, away from the independent, autonomous institution and its authority to a centralized agency, with statewide authority and power in budget, program approval, and planning.

Question 4: What is the emerging legislative role in the governance of postsecondary education?

The legislative role cannot be considered without a simultaneous consideration of the role of the governor.

Much of the conflict about educational governance evolved from an uncertainty over turf. Once turf was resolved through restructuring with specific designation of tasks, such as budgeting and program review, to the coordinating or governing agency, then conflict receded. When these issues remained unresolved, as in Florida and West Virginia, conflict continued. With increased authority granted to the agency, there was a graceful way for conflict over turf to fade into the background and everyone march forward, somewhat in step.

The legislative branches increased their power or influence over education because education continued to be an issue of importance, and the legislature became more important because of more annual sessions, more direct representation, more staff, year-round committee assignments and meetings, and post-Watergate openness. Passage of competency test legislation in Kentucky, Georgia, and Florida was an example of the direct influence the legislature can have on education.

Attempts at increased power from the legislature included Maryland's legislative efforts to impose budget restraint on the University of Maryland, the successful lobbying for medical schools in Tennessee and North Carolina and a law school in Virginia, and the suit by a legislator in Texas regarding fiscal appropriations.

In several states (Alabama, South Carolina, and North Carolina), secondary educators assumed an upper hand by

campaigning for candidates who then owed them allegiance and succeeded in shifting priorities to K-12.

As with any equation, one of the component's power depended upon the power of the other components. For example, after the governor of Maryland was forced to resign, the legislature and the educational agency seemed to have a balanced relationship marred by little political maneuvering.

The legislature in South Carolina, when it added powers to the council in 1973, reserved the right to override decisions. When Virginia, in 1974, instituted a strengthened council, the General Assembly retained the right to review policy decisions.

If the legislature disapproved the council's action, it retained a powerful weapon, as illustrated by Alabama in 1977. Alabama cut the council's budget as a means of ultimate control. The legislature also could trim the governor's sails, as in the Kentucky 1979 Special Session, when it eliminated the governor's prerogative of shifting capital funds from one project to another.

In each state the governor retained significant power. In Alabama, through the first five years of the decade, the governor assumed final decision-making powers, and if such powers were not forthcoming, they were taken arbitrarily or illegally, as in 1975. Another governor, elected in 1979, recommended an immediate cut in higher education's appropriations. Each new governor seemed to want to make a mark through educational action. The Arkansas governor in 1977

vetoed a bill to create additional community colleges and the next governor in 1979 vowed to increase salary and educational expenditures. The governor's power was illustrated in Kentucky: in 1972, the governor vocally supported expansion of the council; in 1976, he made known in advance his opposition to the veterinary school; in 1976, he called a special session to slash unexpended funds. The new governor in Texas in 1979 cut \$25 million in projects.

Martorana and McGuire (1976b) reported that legislators were not attempting "to set academic policy" (p. 17). However, two examples illustrated attempts at academic interference instigated by the governor, supported by the legislature, and mitigated by the councils. In both South Carolina in 1976 and Texas in 1977, studies were requested to ascertain if faculty were actually working enough hours to suit the governor and the legislators.

Van Dyne (1974) reported:

Wherever real power in this policy process lies, the general drift of power is away from the individual campus toward the state level. The process of centralization--whether it shifts power to a coordinating board or on up to the legislature or the governor--advances every year and has the universities very worried (p. 10).

As each state completed or adjusted the role of the coordinating agency by awarding it more power, then the other components in the system had also to adjust, some to reduced power or decreased territory. In West Virginia and Florida, still in 1979 wrestling with this problem, the turf issue was yet to be resolved. Examples indicate that most state

legislatures were willing to divest themselves of some power and shift it to a strengthened agency for the sake of creating a process, especially in planning, budgeting, and reviewing programs, that would enable them to deal with education and the problems confronting it in the 80s.

Question 5: Are there perceptible relationships between educational issues and types of statewide governance?

From a legislative analysis of issues related to governance during the 70s in 14 southern states, the answer is no. Governance itself was the basic issue. In each state, once that had been resolved, at least momentarily, conflicts, as well as numbers of bills introduced, decreased. Of the four states beginning the decade with statewide governing boards, two of them, West Virginia and Florida, concluded the decade with governance still the key unresolved issue. Both states had undergone studies with citizens groups and consultants, and both states had recommended an organization similar to Louisiana's as a probable alternative. Therefore, it was not only the states with coordinating boards that debated governance.

Other issues that were significant in the states, regardless of the type of governance, were appropriations, methods of tuition assistance, program review, planning, role of students on boards, perceived legislative interference, expansion of professional schools, integration, and the roles of the agency, legislature, and governor.



Question 6: What is the effect on the statewide system of the effort to integrate public postsecondary education?

The legislatures and/or statewide systems officials in the 14 states reviewed in this study had made motions toward dismantling, in some fashion, segregated public postsecondary education.

States, such as Arkansas and West Virginia, had chosen merger of institutions. The typical pattern was to merge the Black institution into the white one, with only the white school remaining clearly identifiable. Over much protest from Black citizens, the Arkansas legislature merged Arkansas A. M. & N. into the University of Arkansas for purposes of image and integration. The West Virginia Board of Regents instigated a controversial merger of Bluefield and Concord colleges.

Other states chose other methods. The states of Mississippi, Maryland, and Kentucky, for example, awarded university status to Black state colleges. In Alabama, individual governing boards were created for the institutions.

The North Carolina legislature, after reviewing the situation, decided not to close any schools or transfer any programs; instead they appropriated funds for capital improvements. In Virginia, the state claimed desegregation remained an institutional issue since each institution had its own governing board. In Louisiana, cooperative programs, faculty exchanges, and cross registration were initiated as systemwide remedies. In 1973, the state of Florida submitted.

a plan to revise the mission of Florida A. and M. University and to attract more other-race students and faculty.

The one state unique in this analysis was Tennessee. In 1979, the Supreme Court declined to review the merger of the University of Tennessee at Nashville and Tennessee State University, ordered in 1977 as a means of desegregating the statewide system. Thus, predominantly Black Tennessee State took over U. T.--Nashville. Both schools had been opposed to merger, but the court ruling had resulted because voluntary integration was not successful. The merger was regarded as significant since, this time, it was not the traditional Black institution that was downgraded or subsumed.

Clarification of the situation occurred in the summer of 1977, when the Department of Health, Education, and Welfare published the criteria that acceptable plans to desegregate public higher education must contain. These guidelines were applicable to the 14 states in this study because of information from visits or from inclusion in Adams v. Richardson. Until 1977, there were no such criteria or guidelines; these were ordered developed after Mandel v. HEW. Basically, the mission of each public institution of higher education had to be developed in non-ethnic terms. Admissions requirements, graduation requirements, faculty staffing, and tenure had to be carefully reviewed and monitored. The guidelines were heavily quantitative.

The governing or coordinating board in most states assumed the monitoring responsibility for the system as well as the responsibility for implementing the 1977 guidelines.

In the 80s, if the HEW guidelines are not enforced by the state systems and vestiges of dual systems of post-secondary education eliminated, then the states will have to look at themselves with introspection and take systemwide action rather than the limited accommodations of the 70s. If action is not positive, then more unpopular mergers, such as the one in Nashville, may occur.

### Discussion of Peripheral Issues

Certain verities from the literature of the 60s and 70s continued during the decade of the 70s to hold true in practice.

1. A centralized organization of some type remained of prime importance to the states. No attempt to return to each institution's performing in a vacuum was successful.

2. No model for state coordination and control existed. Instead, states sought to develop a system consistent with the history of higher education in their state. North Carolina, for example, acquiesced in its reorganization to the wishes of its premier institution, the University of North Carolina.

3. Real power to control higher education in the states depended less on the model than on several other components, such as statutory powers, political skills, prestige of the board, size of staffs, budget of board, history and tradition, credibility, and issues. If a Board of Regents began its tenure with a controversial issue, as in West Virginia, and

then the chancellor threatened to resign because he did not get his way, the future credibility of the Board is damaged.

4. The role of the agency as buffer or middle-person coalesced but did not win universal acceptance. Those boards which perceived themselves as the power rather than the power broker had problems when their recommendations were not accepted. An example was North Carolina and the medical school question. Likewise, boards that aligned themselves with either the legislature or the institutions had difficulties because they had never tried to develop an independent base of operations.

5. Partisan politics continued to influence educational decisions, especially in the case of the governor. Examples included Alabama, Arkansas, Florida, and Georgia.

6. Rural versus city conflicts continued, as noted in the problems regarding veterinary medicine and professional school admissions and locations.

7. Education retained some of the vestiges of a political plum, something like a water project to be brought home to a constituency regardless of the needs of the rest of the state. An example was the Vet Bill in Kentucky. This concept seemed less significant as the decade progressed.

8. Lay involvement on the boards increased. States, such as Maryland and South Carolina, changed to total lay members, leaving only Kentucky with a mixed council.

9. States continued to support private education, either with direct aid, tuition grants, or contract programs.

10. State boards assumed more responsibility for quality control in monitoring of programs and licensing of schools.

11. The unified budget process generally proved both successful and beneficial to all parties.

12. Conflicts among segments of education grew, as lobbies were organized and fiscal resources dwindled.

13. Changes in governance continued to be enacted primarily through statute rather than constitutional amendments.

14. In some states, students were placed on institutional governing boards and/or some systemwide boards, and in other states they were not, with little consequence, either positively or negatively.

15. No process exists for evaluating the system within each state.

16. The system within each state is functioning more as an umbrella, with the inclusion of loan programs and the monitoring of desegregation plans.

17. The trend appeared to be away from the protection of vested interests to a concern for the entire state.

Chambers (1971) reported on trends in the governance and coordination of higher education. He wrote:

The best modern theory and practice in large-scale business management now favors decentralization, involving the loosening of rigid central controls and the delegation of wide discretion to divisions and departments, to avoid the well-known "apoplexy at the apex and paralysis at the periphery."

My second assertion is that not all services of the state can be performed well if integrated into a single monolithic administrative pyramid with all other state services and functions. This is especially and uniquely true of public higher education (pp. 3-4).

Chambers may have been accurate in both his bias and his assertions at the beginning of the decade, but with the trends identified for the 80s, it was clear from this study that the states were seeking a model of centralization. A model was sought that avoided the extremes, that was flexible enough to change as other parts of the system changed, and that seemed workable rather than ideal. Given the change experienced by 12 of the 14 states in this study what remained to be determined was whether the changes would succeed in the 80s.

#### Recommendations for Further Research

The subject of statewide systems of governance is so pervasive that numerous topics for future research are suggested from this study. These are recommended:

1. Identification of procedures and recommendations for inclusion of private colleges and universities in statewide planning;
2. Identification of legal provisions for aid from the state to private institutions or students attending private institutions;
3. Evaluation of state approved plans for integration of public postsecondary education;
4. Continued analysis of legislation regarding changes in statewide systems of governance and coordination;

5. Evaluation and recommendations for regional education experiments;
6. Development and pilot of an evaluation plan for the statewide agencies themselves--whether they be governing or coordinating.

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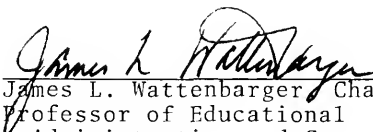
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## BIOGRAPHICAL SKETCH

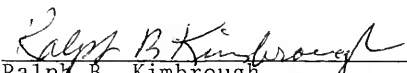
Suzanne L. Richter was born on February 10, 1942, in Paris, Tennessee, and she spent most of her first 18 years living in a supportive home environment and attending the public schools in Paris. In 1960, she entered David Lipscomb College; she graduated in 1963, with majors in English and Speech and Drama. Suzanne married Winston Boos Richter, Jr., in 1963, and they moved to Tallahassee, Florida, to attend graduate school at Florida State University. Ms. Richter received her M. A. degree from Florida State University in English in 1966 and remained at Florida State until she had completed the course work required for the Ph. D. degree in English literature.

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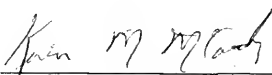
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James L. Wattenbarger Chairman  
Professor of Educational  
Administration and Supervision

I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Doctor of Philosophy.

  
Ralph B. Kimbrough  
Professor of Educational  
Administration and Supervision

I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Doctor of Philosophy.

  
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This Dissertation was submitted to the Graduate Faculty of the Department of Educational Administration and Supervision in the College of Education and to the Graduate Council, and was accepted as partial fulfillment of the requirements for the degree of Doctor of Philosophy.

March, 1981

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